

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Request of)	DOCKET NO. UT-033018
)	
U.S. TELEPACIFIC CORP. d/b/a)	ORDER NO. 01
TELEPACIFIC COMMUNICATIONS)	
)	
and)	
)	
UNITED TELEPHONE COMPANY)	
OF THE NORTHWEST (SPRINT))	
)	ORDER APPROVING
For Approval of Negotiated)	NEGOTIATED MASTER
Agreement Under the)	AGREEMENT FOR
Telecommunications Act of 1996)	COLLOCATION
.....)	

BACKGROUND

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated master agreement for collocation (Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Agreement is between U.S. Telepacific Corp. d/b/a Telepacific Communications (Telepacific), and United Telephone of the Northwest (Sprint). The parties filed a joint request for approval of the Agreement on May 1, 2003.

FINDINGS AND CONCLUSIONS

- 2 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate public service companies, including telecommunications companies. *RCW 80.01.040; Chapter 80.04 RCW and Chapter 80.36 RCW.*
- 3 (2) Section 252(e)(1) of the Telecom Act requires parties to a negotiated agreement to submit the agreement to the Commission for approval.

Section 252(e)(2)(A) states that the Commission may only reject an agreement (or any portion thereof) adopted by negotiation if it finds that:

- 4 (i) agreement (or any portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - 5 (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.
- 6 (4) Sprint is engaged in the business of furnishing telecommunications services including, but not limited to, basic local exchange service within the state of Washington.
 - 7 (5) Telepacific is authorized to provide telecommunications services to the public in the state of Washington.
 - 8 (6) On May 1, 2003, the parties filed with the Commission a joint request for approval of a negotiated master collocation agreement pursuant to the Telecom Act.
 - 9 (7) Telepacific and Sprint voluntarily negotiated the entire Agreement.
 - 10 (8) The Agreement between Telepacific and Sprint and was brought before the Commission at its regularly scheduled meeting on May 28, 2003.
 - 11 (9) The Agreement does not discriminate against any other telecommunications carrier.
 - 12 (10) The Agreement will facilitate local exchange competition in the state of Washington.

- 13 (11) The Agreement is consistent with the public interest, convenience, and necessity.
- 14 (12) The Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 15 (13) The laws and regulations of the State of Washington and Commission Orders govern the construction and interpretation of the Agreement. The Agreement is subject to the jurisdiction of the Commission.
- 16 (14) After examination of the proposed Agreement filed by Telepacific and Sprint on May 1, 2003, and giving consideration to all relevant matters, the Commission finds the proposed Agreement should be approved.

ORDER

THE COMMISSION ORDERS:

- 17 (1) The Agreement for interconnection of services between U.S. Telepacific Corp. d/b/a Telepacific Communications and United Telephone Company of the Northwest (Sprint), which the parties filed on May 1, 2003, is approved and effective.
- 18 (2) In the event that the parties revise, modify, or amend the agreement approved herein, the revised, modified, or amended agreement will be deemed to be a new agreement under the Telecom Act and must be submitted to the Commission for approval, pursuant to 47 U.S.C. § 252(e)(1) and relevant provisions of state law, prior to taking effect.

- 19 (3) The laws and regulations of the State of Washington and Commission Orders govern the construction and interpretation of the Agreement. The Agreement is subject to the jurisdiction of the Commission.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective this 28th day of May, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary