

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

In the Matter of the Request of	)	DOCKET NO. UT-043076
	)	
SPRINT SPECTRUM L.P. d/b/a	)	ORDER NO. 01
SPRINT PCS	)	
	)	
and	)	
	)	
HAT ISLAND TELEPHONE	)	
COMPANY	)	
	)	
	)	
For Approval of Negotiated	)	ORDER APPROVING
Agreement Under the	)	NEGOTIATED TRAFFIC
Telecommunications Act of 1996	)	EXCHANGE AGREEMENT
.....	)	

**BACKGROUND**

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated traffic exchange agreement (Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Agreement is between Sprint Spectrum L.P., d/b/a Sprint PCS (Sprint PCS), and Hat Island Telephone Company (Hat Island). The parties filed a joint request for approval of the Agreement on August 10, 2004.

**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) the 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 (3) Hat Island is engaged in the business of furnishing telecommunications  
services, including but not limited to, basic local exchange service within  
the state of Washington.
- 7 (4) Sprint PCS is licensed by the Federal Communications Commission as a  
commercial mobile radio service provider.
- 8 (5) On August 10, 2004, the parties filed with the Commission a joint request  
for approval of a negotiated traffic exchange agreement, pursuant to the  
Telecom Act.
- 9 (6) The Agreement between Sprint PCS and Hat Island was brought before  
the Commission at its regularly scheduled meeting on September 22, 2004.
- 10 (7) The Agreement does not discriminate against any other  
telecommunications carrier.
- 11 (8) The Agreement will facilitate local exchange competition in the state of  
Washington.

- 12 (9) The Agreement is consistent with the public interest, convenience, and necessity.
- 13 (10) The Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 14 (11) 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.
- 15 (12) After examination of the proposed Agreement filed by Sprint PCS and Hat Island on August 10, 2004, and giving consideration to all relevant matters, the Commission finds the proposed Agreement should be approved.

## ORDER

### THE COMMISSION ORDERS:

- 16 (1) The traffic exchange agreement between Sprint Spectrum L.P., d/b/a Sprint PCS and Hat Island Telephone Company, which the parties filed on August 10, 2004, is approved and effective as of the date of this Order.
- 17 (2) In the event that the parties revise, modify, or amend the agreement approved in this Order, 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.

18 (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.

19 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 22<sup>nd</sup> day of September, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary