

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

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|---------------------------------|---|--------------------------|
| In the Matter of the Request of |) | DOCKET NO. UT-003069 |
| |) | |
| UNITED STATES CELLULAR |) | |
| CORPORATION |) | |
| |) | |
| and |) | |
| |) | |
| CENTURYTEL OF WASHINGTON, |) | |
| INC., CENTURYTEL OF INTER |) | |
| ISLAND, INC., AND CENTURYTEL |) | |
| OF COWICHE, INC. |) | ORDER APPROVING |
| |) | NEGOTIATED FIRST AMENDED |
| For Approval of Negotiated |) | AGREEMENT ADDING |
| Agreement Under the |) | PROVISIONS FOR CORRECT |
| Telecommunications Act of 1996 |) | TRAFFIC FACTORS |
| |) | |

BACKGROUND

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated first amended agreement (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between, United States Cellular Corporation, (U S Cellular) and CenturyTel of Washington, Inc., CenturyTel of Inter Island, Inc., and CenturyTel of Cowiche, Inc., (collectively CenturyTel). The Commission approved an interconnection agreement between the parties on September 13, 2000. The Commission ordered that in the event the parties amended their agreement, the amended agreement would be deemed a new agreement under the Telecom Act and must be submitted to the Commission for approval. The parties filed a joint request for approval of a first amendment on December 18, 2002.

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) CenturyTel 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) U S Cellular is licensed by the Federal Communications Commission as a
radio communications service provider.
- 8 (5) The Commission approved an interconnection agreement between the
parties on September 13, 2000. The Commission ordered that in the event
the parties amended their agreement, the amended agreement would be
deemed a new agreement under the Telecom Act and must be submitted
to the Commission for approval.

- 9 (6) On December 18, 2002, the parties filed with the Commission a joint request for approval of a first amendment to the previously approved interconnection agreement, pursuant to the Telecom Act.
- 10 (7) The Amended Agreement between U S Cellular and CenturyTel was brought before the Commission at its regularly scheduled meeting on January 8, 2003.
- 11 (8) U S Cellular and CenturyTel voluntarily negotiated the entire amendment.
- 12 (9) The Amended Agreement does not discriminate against any other telecommunications carrier.
- 13 (10) The Amended Agreement will facilitate local exchange competition in the state of Washington.
- 14 (11) The Amended Agreement is consistent with the public interest, convenience, and necessity.
- 15 (12) The Amended Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 16 (12) The laws and regulations of the State of Washington and Commission Orders govern the construction and interpretation of the Amended Agreement. The Amended Agreement is subject to the jurisdiction of the Commission.
- 17 (13) After examination of the proposed Amended Agreement filed by U S Cellular and CenturyTel on December 18, 2002 and giving consideration to all relevant matters, the Commission finds the proposed Amended Agreement should be approved.

ORDER

THE COMMISSION ORDERS:

- 18 (1) The Amended Agreement between , United States Cellular Corporation and CenturyTel of Washington, Inc., CenturyTel of Inter Island, Inc., and CenturyTel of Cowiche, Inc., which the parties filed on December 8, 2002, is approved and effective as of the date of this Order.
- 19 (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.
- 20 (3) The laws and regulations of the State of Washington and Commission Orders govern the construction and interpretation of the Amended Agreement. The Amended Agreement is subject to the jurisdiction of the Commission.

DATED at Olympia, Washington, and effective this 8th day of January, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner