

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of the Request For Approval of	)	
Negotiated Agreement Under the	)	DOCKET NO. UT-003091
Telecommunications Act of 1996 Between	)	
	)	
FAIRPOINT COMMUNICATIONS	)	
SOLUTIONS CORP.	)	ORDER APPROVING
	)	NEGOTIATED THIRD
and	)	AMENDED AGREEMENT
	)	FOR INTERCONNECTION
VERIZON NORTHWEST INC., f/k/a GTE	)	AND RESALE SERVICES
NORTHWEST INCORPORATED	)	
. . . . .	)	

**BACKGROUND**

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated third amended agreement (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between Fairpoint Communications Solutions Corp. (Fairpoint), and Verizon Northwest Inc. (Verizon), f/k/a GTE Northwest Incorporated (GTE). On August 29, 2000, the parties filed a joint request that Fairpoint receive all arrangements provided in an interconnection agreement previously approved by the Commission between Rhythms Links, Inc., (Rhythms), and GTE in Docket UT-990317, including a first and second amendment. The Commission accepted this request on September 13, 2000. On April 12, 2000, in Docket UT-990355 - Interpretive and Policy Statement regarding Section 252(i) of the Telecom Act - the Commission concluded that amendments to original adopted agreements would be deemed new agreements under the Telecom Act and must be submitted to the Commission for approval. The parties filed a joint request for approval of a third amendment on December 5, 2001.

**MEMORANDUM**

2 The Amended Agreement between Fairpoint and Verizon was brought before the Commission at its regularly scheduled open meeting held on January 30, 2002, at its offices in Olympia, Washington. The Commission granted its approval of the Amended Agreement as negotiated and requested by the parties.

**FINDINGS OF FACT**

3 The Commission is an agency of the State of Washington vested by statute with the  
authority to regulate the rates, rules, regulations, practices, accounts, securities, and  
4 transfers of public service companies, including telecommunications companies.

4 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:

5 (i) the agreement (or any portion thereof) discriminates against a  
telecommunications carrier not a party to the agreement; or

6 (ii) the implementation of such agreement or portion is not consistent with the  
with the public interest, convenience, and necessity.

7 Verizon is engaged in the business of furnishing telecommunications services,  
including, but not limited to, basic local exchange service within the state of  
Washington.

8 Fairpoint is authorized to provide telecommunications services to the public in the  
state of Washington.

9 On August 29, 2000, the parties filed a joint request that Fairpoint receive all  
arrangements provided in an interconnection agreement previously approved by the  
Commission between Rhythms and GTE in Docket UT-990317, including a first and  
second amendment. The Commission accepted this request on September 13, 2000.  
On April 12, 2000, in Docket UT-990355 - Interpretive and Policy Statement  
regarding Section 252(i) of the Telecom Act - the Commission concluded that  
amendments to original adopted agreements would be deemed new agreements under  
the Telecom Act and must be submitted to the Commission for approval.

10 On December 5, 2001, the parties filed with the Commission a joint request for  
approval of a third amendment to the previously approved interconnection agreement  
pursuant to the Telecom Act.

11 Fairpoint and Verizon voluntarily negotiated the entire amendment.

12 The Amended Agreement does not discriminate against any other telecommunications  
carrier.

13 The Amended Agreement will facilitate local exchange competition in the state of Washington by enabling Fairpoint to expand its presence in the local exchange market and increase customer choices for local exchange services.

### CONCLUSIONS OF LAW

14 The Commission has jurisdiction over the subject matter and all parties to this proceeding.

15 The Amended Agreement is consistent with the public interest, convenience, and necessity.

16 The Amended Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).

17 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 and the Washington courts.

### ORDER

#### THE COMMISSION ORDERS:

18 The Amended Agreement between Fairpoint Communications Solutions Corp. and Verizon Northwest Inc., f/k/a GTE Northwest Incorporated, which the parties filed on December 5, 2001, is approved and effective.

19 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 negotiated 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 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 and the Washington courts.

DATED at Olympia, Washington, and effective this 30<sup>th</sup> day of January, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner