

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of the Request for	)	
Approval of Negotiated Agreement	)	DOCKET NO. UT-013065
Under the Telecommunications Act of	)	
1996 Between	)	
	)	ORDER APPROVING NEGOTIATED
AGI WASHINGTON, INC.,	)	FIRST AMENDED AGREEMENT
	)	ADDING PROVISIONS FOR
and	)	UNBUNDLED DEDICATED
	)	INTEROFFICE TRANSPORT
QWEST CORPORATION	)	
.....	)	

**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 AGI Washington, Inc., (AGI), and Qwest Corporation (Qwest). On July 6, 2001, the parties filed a joint request that AGI receive all arrangements provided in an interconnection agreement previously approved by the Commission between Covad Communications Company (Covad), and Qwest, f/k/a U S WEST Communications, Inc., (U S WEST), in Docket UT-980312. On September 26, 2001, the Commission approved this request. 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. On September 17, 2001, the parties filed a joint request for approval of a first amendment.

**MEMORANDUM**

2 The Amended Agreement between AGI and Qwest was brought before the Commission at its regularly scheduled open meeting held on November 28, 2001, 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  
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  
public interest, convenience, and necessity.

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

8 AGI is not currently authorized to provide telecommunications services in the state of  
Washington.

9 On July 6, 2001, the parties filed a joint request that AGI receive all arrangements  
provided in an interconnection agreement previously approved by the Commission  
between Covad and U S WEST, in Docket UT-980312. On September 26, 2001, the  
Commission approved this request. 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.

10 On September 17, 2001, 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.

11 AGI and Qwest 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 AGI to enter 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 Approval of the Amended Agreement does not in any way waive AGI's requirement to become a registered telecommunications service provider in the state of Washington.
- 18 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.

### **O R D E R**

- 19 THE COMMISSION ORDERS:
- 20 The Amended Agreement between AGI Washington, Inc., and Qwest Corporation., which the parties filed on September 17, 2001, is approved.
- 21 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.
- 22 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 29<sup>th</sup> day of November, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

PATRICK J. OSHIE, Commissioner