

- 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) Qwest 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) SBC-LD is currently authorized to provide telecommunications services to
 the public in the state of Washington.
- 8 (5) On September 1, 2004, the parties filed a joint request that SBC-LD adopt
 Qwest's SGAT. The Commission is treating the proposed adoption as a
 fully negotiated agreement under Section 252 of the Telecom Act.
- 9 (6) SBC-LD and Qwest voluntarily negotiated the entire Agreement.
- 10 (7) The Agreement between SBC-LD and Qwest was brought before the
 Commission at its regularly scheduled meeting on September 29, 2004.
- 11 (8) The Agreement does not discriminate against any other
 telecommunications carrier.

- 12 (9) The Agreement will facilitate local exchange competition in the state of Washington.
- 13 (10) The Agreement is consistent with the public interest, convenience, and necessity.
- 14 (11) The Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 15 (12) 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 (13) After examination of the proposed Agreement filed by Qwest and SBC-LD on September 1, 2004, 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 and resale of services between Southwestern Bell Communications Services, Inc., d/b/a SBC Long Distance and Qwest Corporation, which the parties filed on September 1, 2004, is approved and effective as of the date of this Order.
- 18 (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.

- 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 29th day of September, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary