

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 the tenth and eleventh amendments on April 21, 2003, and April 29, 2003.

FINDINGS AND CONCLUSIONS

- 2 (1) 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 transfer of 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) 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) McLeodUSA is authorized to provide telecommunications services to the public in the state of Washington.

- 8 (5) On August 30, 2000, the Commission accepted McLeod's adoption of the Qwest Statement of Generally Available Terms. The Commission approved a first amended agreement on December 13, 2000, a second amended agreement on January 31, 2001, a third amended agreement on July 11, 2001, a fourth amended agreement on August 8, 2001, a fifth amended agreement on January 30, 2002, a sixth and seventh amended agreement on February 27, 2002, an eighth amended agreement on September 25, 2002, and a ninth amended agreement on October 9, 2002. 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 April 21, and April 28, 2003, the parties filed with the Commission a joint request for approval of the tenth and eleventh amendments to the previously approved interconnection agreement, pursuant to the Telecom Act.
- 10 (7) McLeodUSA and Qwest voluntarily negotiated the Amended Agreement in its entirety.
- 11 (8) The Amended Agreement between McLeodUSA and Qwest was brought before the Commission at its regularly scheduled meeting on May 14, 2003.
- 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 (13) 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 (14) After examination of the proposed Amended Agreement filed by McLeodUSA and Qwest on April 21, 2003, and April 29, 2003, 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 McLeodUSA Telecommunications Services, Inc., and Qwest Corporation f/k/a U S WEST Communications, Inc., which the parties filed on April 21, 2003, and April 29, 2003, 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.

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 14th day of May, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary