

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

In the Matter of the Petition of)	DOCKET UT-063061
)	
QWEST CORPORATION)	
)	ORDER 20
and)	
)	
ESCHELON TELECOM, INC.)	ORDER APPROVING
)	INTERCONNECTION
Pursuant to 47 U.S.C. Section 252(b).)	AGREEMENT
)	
.....)	

1 **SYNOPSIS.** *The Commission approves the Interconnection Agreement between Qwest and Eschelon filed on March 2, 2009, as amended by the filing on March 4, 2009.*

2 **NATURE OF THE PROCEEDING:** Docket UT-063061 concerns a request by Qwest Corporation (Qwest) and Eschelon Telecom, Inc., (Eschelon) to arbitrate an Interconnection Agreement (ICA) pursuant to 47 U.S.C. § 252(b)(1) of the Telecommunications Act of 1996 (Act).

3 **PROCEDURAL HISTORY.** On October 16, 2008, the Washington Utilities and Transportation (Commission) entered Order 18, a final order in the arbitration proceeding, granting, in part, Eschelon’s petition for review; granting, in part, Qwest’s petition for review, and affirming, in part, and modifying, in part, the Arbitrator's Report and Decision. The Order required the parties to file a conforming ICA.

4 Qwest filed a petition for reconsideration of Order 18 on October 27, 2008. On October 28, 2008, the Commission issued a Notice Requesting Answer to Petition for Reconsideration. On October 29, 2008, Qwest filed a Request to Extend Deadline for Filing ICA. The Commission granted Qwest’s request by Notice Extending Deadline for Filing ICA entered October 30, 2008. On November 7, 2008, Eschelon timely filed an Answer to Petition for Reconsideration. By Notice entered November 13,

2008, the Commission established January 30, 2009, as the deadline for entering an order on the petition for reconsideration. On January 30, 2009, the Commission entered Order 19 denying Qwest's petition for reconsideration.

5 On March 2, 2009, Qwest filed with the Commission an ICA pursuant to Order 18. On March 4, 2009, Qwest filed a corrected Exhibit G to be appended to the ICA.

6 **APPEARANCES:** Lisa Anderl, Associate General Counsel, and Adam L. Sherr, Seattle, Washington, represent Qwest. Gregory J. Kopta, Seattle, Washington, and Karen L. Clauson and Gregory Merz, Minneapolis, Minnesota, represent Eschelon.

MEMORANDUM

The Interconnection Agreement

7 By Notice entered October 30, 2008, the Commission granted Qwest's request to extend the deadline for filing an interconnection agreement with the Commission to 30 days after the Commission ruled on the petition for reconsideration, or 30 days after the period for ruling on the petition for reconsideration expired. On March 2, 2009, Qwest timely filed an interconnection agreement that it asserted complied with all arbitrated terms consistent with the Order 19. On March 4, 2009, Qwest filed a replacement for Appendix G to be appended to the interconnection agreement.

8 We find the Interconnection Agreement between Qwest and Eschelon filed on March 2, 2009, and modified by replacement Exhibit G filed on March 4, 2009, consistent with the Commission's decisions in Order 18, and Section 251 of the Act. We approve the interconnection agreement and find that the negotiated and arbitrated terms of the parties' Interconnection Agreement are consistent with the public interest and do not discriminate against any other telecommunications carrier.

FINDINGS OF FACT

- 9 The Commission makes the following summary findings of fact, having discussed above the evidence concerning all material matters and having stated our more detailed findings of fact. Those portions of the preceding discussion pertaining to the Commission's ultimate findings in this matter are incorporated by this reference.
- 10 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington, vested by statute with authority to regulate in the public interest the rates, services, facilities, and practices of telecommunications companies in the state.
- 11 (2) Qwest is engaged in the business of furnishing telecommunications services, including, but not limited to, basic local exchange service within the state of Washington, and is a local exchange carrier as defined in the Act.
- 12 (3) Eschelon is a Competitive Local Exchange Carrier that furnishes telecommunications services to customers in Washington.
- 13 (4) On August 9, 2006, Qwest filed a petition with the Commission seeking arbitration of an interconnection agreement with Eschelon.
- 14 (5) On January 18, 2008, after evidentiary hearing and briefing, the Arbitrator entered an Arbitrator's Report and Decision resolving all disputed issues between the parties.
- 15 (6) On October 16, 2008, the Commission entered a final order in this arbitration proceeding, Order 18, requiring the parties to file an interconnection agreement consistent with the Order within 30 days of service of the Order.
- 16 (7) On October 27, 2008, Qwest filed a petition for reconsideration of the Commission's decision in Order 18.

- 17 (8) On October 29, 2008, Qwest filed a request to extend the deadline for filing an interconnection agreement until 30 days after the Commission ruled on the petition for reconsideration.
- 18 (9) On October 30, 2008, the Commission granted Qwest's request to extend the deadline for filing an interconnection agreement until 30 days after the Commission ruled on the petition for reconsideration or the time for doing so expired.
- 19 (10) On January 30, 2009, the Commission entered Order 19, denying Qwest's petition for reconsideration.
- 20 (11) On March 2, 2009, Qwest filed with the Commission an Interconnection Agreement between Qwest and Eschelon. Qwest filed an amendment to the Interconnection Agreement on March 4, 2009, that replaced Exhibit G to be appended to the Interconnection Agreement.

CONCLUSIONS OF LAW

- 21 Having discussed above in detail all matters material to this decision, and having stated general findings and conclusions, the Commission now makes the following summary conclusions of law. Those portions of the preceding detailed discussion that state conclusions pertaining to the ultimate decisions of the Commission are incorporated by this reference.
- 22 (1) The Washington Utilities and Transportation Commission has jurisdiction over the subject matter and the parties to this proceeding.
- 23 (2) The Telecommunications Act of 1996 authorizes the Commission to arbitrate and approve interconnection agreements between telecommunications carriers, pursuant to Section 252 of the Act. The Commission is specifically authorized by state law to engage in that activity. *RCW 80.36.610*. This arbitration and approval process was conducted pursuant to and in compliance with 47 U.S.C. § 252 and *RCW 80.36.610*.

- 24 (3) The negotiated and arbitrated terms of the parties' March 2, 2009, Interconnection Agreement, as modified by the parties' March 4, 2009, revised Exhibit G, are consistent with the public interest and do not discriminate against any other telecommunications carrier.
- 25 (4) The laws and regulations of the state of Washington and Commission orders shall govern the construction and interpretation of the parties' Interconnection Agreement. The parties' Interconnection Agreement is subject to the jurisdiction of the Commission and Washington courts.

ORDER

26 THE COMMISSION ORDERS That the negotiated and arbitrated Interconnection Agreement of Qwest Corporation and Eschelon Telecom, Inc., filed with the Commission on March 2, 2009, as amended on March 4, 2009, including all negotiated and arbitrated terms, is consistent with the Commission's Final Order, Order 18 in this proceeding, and is approved.

DATED at Olympia, Washington and effective April 2, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

JEFFREY D. GOLTZ, Chairman

PHILIP B. JONES, Commissioner