

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

In the Matter of the Petition of)
) DOCKET UT-053005
MULTIBAND COMMUNICATIONS,)
LLC) ORDER 04
)
For Approval of Line Sharing Agreement) GRANTING MOTION TO
with Qwest Corporation Pursuant to) MODIFY REPORTING
Section 252 of the Telecommunications) REQUIREMENT
Act of 1996)
.....)

MEMORANDUM

- 1 The Commission entered Order No. 02, its Final Order in this proceeding, on April 19, 2005. In ordering paragraph (2), which is numbered paragraph 50 of the order, the Commission required Qwest “to continue to file for review its agreements with CLECs, such as the agreement at issue here, that refer to past, present, or future obligations imposed on ILECs pursuant to the Telecommunications Act of 1996.”

- 2 On May 22, 2006, Qwest filed a motion asking the Commission to modify Order No. 02 to the extent necessary to relieve Qwest from the requirement to file agreements that are identical (except for the name and contact information for the other party) to ones already filed for review. Qwest argues that the proposed modification is in the public interest because it will reduce the administrative burden on both Qwest and the Commission, and it will not deprive the Commission of any material information necessary for it to discharge its duties.

- 3 Multiband Communications, LLC, did not file a response to Qwest’s motion. Staff filed a letter on August 29, 2006, stating that Staff has no objection to Qwest’s motion.

- 4 The Commission finds Qwest’s motion well-taken. There is no need for Qwest to file identical agreements, such as the Multiband agreement considered in this docket, which the Commission concluded is not subject to Section 252 of the Telecommunications Act of 1996.

5 It is important, however, that Qwest continue to file all agreements that are subject to Section 252 requirements inasmuch as others may opt into, and require up-to-date information about the existence of such agreements, including the identity of the counter-party to Qwest in each agreement. Indeed, 47 USC § 252(h) requires that the Commission make all such interconnection agreements available for public inspection. We accordingly emphasize that the Commission is not waiving filing requirements for agreements Qwest enters into that are, in whole or part, subject to Section 252.

ORDER

THE COMMISSION ORDERS THAT:

- 6 (1) Order No. 02, entered in this proceeding on April 19, 2005, is modified to provide that Qwest need not file agreements that are identical to agreements previously filed for review that have been identified by the Commission as not being subject to Section 252 of the Telecommunications Act of 1996.
- 7 (2) The Commission retains jurisdiction to effectuate the terms of this Order and all prior orders in this proceeding.

DATED at Olympia, Washington, and effective August 31, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PHILIP B. JONES, Commissioner