

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 531

In the Matter of)	
)	
VERIZON NORTHWEST INC.)	
)	
Petition for Arbitration of an Amendment)	RULING
to Interconnection Agreements with)	
Competitive Local Exchange Carriers)	
and Commercial Mobile Radio Service)	
Providers in Oregon Pursuant to Section 252)	
of the Communications Act of 1934, as)	
Amended, and the Triennial Review Order.)	

DISPOSITION: VERIZON RESPONSE TO MOTION TO DISMISS DUE MARCH 26, 2004; OTHER COMMENTS ALSO DUE MARCH 26, 2004.

On February 26, 2004, Verizon Northwest Inc. (Verizon) filed with the Public Utility Commission of Oregon (Commission) a petition for arbitration of an amendment to interconnection agreements that Verizon has executed with all competitive local exchange carriers (CLECs) and, to the extent their current interconnection agreements provide for access to unbundled network elements (UNEs), each of the commercial mobile radio service providers (CMRS providers) in Oregon (collectively hereafter “the agreements”). Verizon requests that the Commission initiate a consolidated arbitration proceeding to amend the agreements to correspond to changes in the unbundling obligations of incumbent local exchange carriers (ILECs), including Verizon, promulgated by the Federal Communications Commission (FCC) in its Triennial Review Order (TRO).¹

On March 16, 2004, the Administrative Law Judge granted Verizon’s request to extend the period for filing responses to the petition until April 13, 2004.

¹ Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, 18 FCC Rcd 16978 (2003) (“*Triennial Review Order* or “TRO”), *reversed in part and remanded, United States Telecom Ass’n v. FCC*, Nos. 00-0012, 00-1015, 03-1310 *et. al.* (D.C. Cir).

On March 17, 2004, Sprint Communications Company L.P. (Sprint) filed a motion to dismiss Verizon's petition. Sprint alleges that Verizon's petition does not comply with various Commission rules, FCC rules, and provisions of the Telecommunications Act of 1996 (the Act). In particular, Sprint alleges:

- Verizon has failed to negotiate in good faith as required by 47 U.S.C. Section 252(b)(5), and 47 C.F.R. Section 51.307(c)(7) of the FCC's rules.
- Verizon's petition does not comply with 47 U.S.C. Section 252(b)(2), which requires that the petitioner provide the State Commission "all relevant documentation concerning the unresolved issues," including the position of each of the parties with respect to those issues, and any other issue discussed and resolved by the parties. In addition, Sprint claims the petition does not comply with Oregon Administrative Rule 860-016-0030(2), which requires that a petition for arbitration include a "statement of all unresolved issues" and a "description of each party's position on the unresolved issues."
- Verizon's petition does not comply with the "Change of Law" provisions in the existing Sprint-Verizon interconnection agreement.--*/-

In addition, Sprint states that Verizon has requested consolidated arbitration proceedings in other states. Sprint points out that the North Carolina and Maryland state commissions have rejected Verizon's petition, the latter concluding that the petition was premature because of the March 2, 2004, decision of the U.S. Court of Appeals for the District of Columbia Circuit, vacating and remanding various portions of the TRO.

Given that responses to Verizon's petition are due to be filed on April 13, 2004, it is necessary to address Sprint's motion to dismiss without delay. Accordingly, Verizon is directed to file its response to the motion, if any, no later than March 26, 2004.

In addition to the foregoing, I am very concerned about the practical consequences of conducting the consolidated arbitration proposed by Verizon within the limited time frame allowed by the Act. Verizon's petition encompasses numerous telecommunications carriers and apparently different interconnection agreements. I would like Verizon, Sprint, and any other affected carrier who desires to comment, to file comments addressing this logistical issue. Those comments shall also be filed no later than March 26, 2004.

Dated at Salem, Oregon, this 19th day of March, 2004.

Samuel J. Petrillo
Administrative Law Judge