

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 874

In the Matter of)
)
In the Matter of GRANITE) **STAFF COMMENTS**
TELECOMMUNICATIONS, LLC and)
UNITED TELEPHONE COMPANY OF THE)
NORTHWEST dba EMBARQ.)
)
Interconnection Agreement Submitted for)
Commission Approval Pursuant to Section)
252(e) of the Telecommunications Act of 1996.)

RECOMMENDATION: APPROVE AGREEMENT

On December 2, 2008, Granite Telecommunications, LLC and United Telephone Company of the Northwest dba Embarq filed an interconnection agreement with the Public Utility Commission of Oregon (Commission). The order due date was March 2, 2009. The parties seek approval of this agreement under Section 252(e) of the Telecommunications Act of 1996. The Commission provided notice by posting an electronic copy of the agreement on the World Wide Web, at: <http://www.puc.state.or.us/caragmnt/>. The Commission Staff (Staff) offers these comments.

Under the Act, the Commission must approve or reject an agreement reached through voluntary negotiation within 90 days of filing. The Commission may reject an agreement only if it finds that:

- (1) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (2) the implementation of such agreement or portion thereof is not consistent with the public interest, convenience, and necessity.

Staff notes that an interconnection agreement or amendment thereto has no effect or force until approved by a state Commission. *See* 47 U.S.C. Sections 252 (a) and (e). Accordingly, Staff points out that the effective date of this filing will be the date the Commission signs an order approving it, and that any provision stating that the parties' agreement is effective prior to that date is not enforceable.

The original filing was replaced with a revised filing on February 4, 2009, and the due date of the order was inadvertently changed to April 5, 2009. Because of the error, the agreement was not placed on the appropriate Consent Agenda for Commission approval prior to the order due date. Since the correct order due date of March 2, 2009, is before the next regularly scheduled public meeting on March 10, 2009, Staff requests that a separate order be written approving the agreement.

Staff recommends approval of the agreement. Staff concludes that the agreement does not appear to discriminate against telecommunications carriers who are not parties to the agreement and does not appear to be inconsistent with the public interest, convenience, and necessity.

Dated at Salem, Oregon, this 27th day of February, 2009.

Celeste Hari
Telecommunications Analyst
Competitive Issues
Telecommunications Division