

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: April 15, 2014

REGULAR \_\_\_\_\_ CONSENT X EFFECTIVE DATE \_\_\_\_\_ N/A \_\_\_\_\_

DATE: April 3, 2014

TO: Public Utility Commission

FROM: Armando Fimbres *AF*

THROUGH: Jason Eisdorfer, Bryan Conway, and Kay Marinos *JE BAC KM*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: Request to approve Negotiated Interconnection Agreements and Amendments submitted pursuant to Section 252(e) of the Telecommunications Act of 1996.

**STAFF RECOMMENDATION:**

Staff recommends the Commission approve the new negotiated interconnection agreements and the amendment to a previously approved interconnection agreement listed below, with the agreements and amendment to be considered legally enforceable on the date of Commission approval.

**DISCUSSION:**

47 U.S.C. Sections 252(a) and (e) (Section 252) require that any negotiated interconnection agreement, including amendments to an existing agreement, be submitted to a state commission for approval. Under the Act, the Commission must approve or reject such agreements within 90 days of filing. The Commission may reject an agreement only if it finds that:

- (i) the agreement, or portion thereof, discriminates against a telecommunications carrier not a party to the agreement; or
- (ii) the implementation of such agreement, or portion thereof, is not consistent with the public interest, convenience, and necessity. See Section 252(e)(2).

An interconnection agreement or amendment thereto is not legally enforceable until approved by a state commission. See Sections 252 (a) and (e). Accordingly, although the contracting parties may state in the agreement that each will abide by the agreement prior to its approval by the Commission, the legally enforceable date under Section 252 of any submitted agreement or amendment is the date the Commission approves it.

Staff has reviewed the following new agreements and amendment to a previously approved agreement submitted for Commission approval:

<b>Docket</b>	<b>Parties to the Amendment or Agreements</b>
ARB 715(3) ARB 1061	Zayo Group, LLC and Qwest Corporation dba CenturyLink QC MegaPath Corporation and United Telephone Company of the Northwest d/b/a CenturyLink
ARB 1062	BCN Telecom, Inc. and Qwest Corporation dba CenturyLink QC

Staff recommends approval of the agreements and amendment. Staff finds that the agreements and amendment do not discriminate against non-party telecommunications carriers and do not appear to be inconsistent with the public interest, convenience, and necessity. Accordingly, Staff concludes that there is no basis under the Act to reject the agreements or amendment.

#### **PROPOSED COMMISSION MOTION:**

The new agreements and amendment to a previously approved agreement listed above be approved.