

ORDER NO. 13 148

ENTERED APR 23 2013

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

ARB 1027, ARB 958(3)

In the Matter of

PUBLIC UTILITY COMMISSION OF  
OREGON STAFF,

Request to approve Negotiated Interconnection  
Agreements and Amendments Submitted  
Pursuant to Section 252(e) of the  
Telecommunications Act of 1996.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its Public Meeting on April 23, 2013, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

BY THE COMMISSION:



*Becky L. Baier*  
**Becky L. Baier**  
Commission Secretary

A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.



PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: April 23, 2013

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

DATE: April 9, 2013

TO: Public Utility Commission

FROM: Mitch Moore *mm*

THROUGH: Jason Eisdorfer *Jm*, Bryan Conway *BA*, and Kay Marinos *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 agreement and amendment to a previously negotiated agreement listed below, with the agreement and the amendment to be considered legally enforceable on the date of Commission approval.

**DISCUSSION:**

47 U.S.C. Sections 252(a) and (e) (hereafter "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).

ARB Agreements  
April 9, 2013  
Page 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 agreement and amendment submitted for Commission approval:

<b>Docket</b>	<b>Parties to the Amendment or Agreement</b>
ARB 1027	Metropolitan Telecommunications of Oregon, Inc. and Citizens Telecommunications Company of Oregon
ARB 958(3)	Neutral Tandem, Inc. and Qwest Corporation dba CenturyLink QC

Staff recommends approval of the agreement and the amendment. Staff finds that the agreement and the 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 agreement or the amendment.

**PROPOSED COMMISSION MOTION:**

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