

ORDER NO. 18 267

ENTERED JUL 17 2018

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

ARB 628(5), ARB 1170, ARB 1178

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 July 17, 2018, 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:



A handwritten signature in blue ink, appearing to read "Michael Grant", is written over a horizontal line.

**Michael Grant**  
Chief Administrative Law Judge  
Administrative Hearings Division

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 to a court pursuant to applicable law.

ITEM NO. CA1

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT

PUBLIC MEETING DATE: July 17, 2018

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

DATE: July 3, 2018

TO: Public Utility Commission

FROM: Kay Marinos *KM*THROUGH: *EP Br* Jason Eisdorfer and *BAC* Bryan ConwaySUBJECT: 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) require that any negotiated interconnection agreement, including amendments to an existing agreement, be submitted to a state commission for approval. Under 47 U.S.C. Section 252(e)(4), 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 47 U.S.C. Section 252(e)(2).

An interconnection agreement or amendment thereto is not legally enforceable until approved by a state commission. See 47 U.S.C. Sections 252(a) and (e). Accordingly, although the contracting parties may state in the agreement that each will abide by the

ARB Agreements  
July 3, 2018  
Page 2

agreement prior to its approval by the Commission, the legally enforceable date under 47 U.S.C. Section 252 of any submitted agreement or amendment is the date the Commission approves it.

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

<b>Docket</b>	<b>Parties to the Agreement or Amendment</b>
ARB 628(5)	Cal-Ore Communications, Inc. and Qwest Corporation dba CenturyLink QC
ARB 1170	CenturyLink Communications, LLC and Beaver Creek Cooperative Telephone Company
ARB 1178	CenturyLink Communications, LLC and Oregon Telephone Corporation

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:**

Approve the new agreements and amendment to a previously approved agreement listed above.

CA – ARBs 7-17-18