

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

ARB 458

In the Matter of )  
 )  
SPRINT SPECTRUM L.P. and QWEST ) STAFF COMMENTS  
CORPORATION, )  
 )  
Interconnection Agreement Submitted for )  
Commission Approval Pursuant to Section )  
252(e) of the Telecommunications Act of 1996. )

RECOMMENDATION: APPROVE AGREEMENT

On October 17, 2002, Sprint Spectrum L. P. and Qwest Corporation (Qwest) filed an interconnection agreement with the Public Utility Commission of Oregon (Commission). 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 agreement included an effective date of May 1, 2002. However, the agreement was not signed until September 20, 2002, and not filed with the Commission until October 17, 2002. Untimely filing of agreements is becoming a more common occurrence. This is an unacceptable practice. An unfiled agreement is not available to any other company for adoption as required by the Act. This can give the agreement the appearance of being

discriminatory since other carriers may adopt an agreement only after approval by the Commission.

Staff recommends approval of the agreement. Staff also cautions all parties to interconnection agreements to file agreements immediately after final signature and within a reasonable time period relative to the stated effective date. Staff concludes that the agreement itself 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, this 8th day of November, 2002.

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**Celeste Hari**  
Telecommunications Analyst