

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 466(2)

In the Matter of)
)
SPRINT SPECTRUM L.P./NEXTEL WEST) STAFF COMMENTS
CORP. and UNITED TELEPHONE)
COMPANY OF THE NORTHWEST)
)
Second Amendment to the Interconnection)
Agreement Submitted for Commission)
Approval Pursuant to Section 252(e) of the)
Telecommunications Act of 1996.)

RECOMMENDATION: APPROVE AGREEMENT

On June 19, 2006, Sprint Spectrum L.P./Nextel West Corp. and United Telephone Company of the Northwest (United) filed a second amendment to the interconnection agreement previously approved by 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.

Sprint Spectrum and Nextel West have merged to form a single company known as "Sprint Nextel." The amendment to the agreement consolidates several agreements between Sprint Spectrum or Nextel West and United Telephone Company of the Northwest. The original Nextel and United agreement, ARB 233, was replaced by a second Nextel West and United agreement, ARB 385. The original Sprint Spectrum and United agreement, ARB 189, was replaced by a second Sprint Spectrum and United agreement, ARB 263. ARB 385 and ARB 263 were both terminated on June 22, 2006. The remaining Sprint and United agreement, ARB 466, is the surviving interconnection agreement. All interconnections terms and conditions for the combined company, Sprint Nextel, are now included in ARB 466.

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.

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 6th day of July, 2006.

Celeste Hari
Telecommunications Analyst
Competitive Issues
Telecommunications Division