

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 645(1)

In the Matter of)
)
GLOBAL CONNECTION INC. OF AMERICA) STAFF COMMENTS
and QWEST CORPORATION,)
)
First Amendment to the Interconnection)
Agreement Submitted for Commission)
Approval Pursuant to Section 252(e) of the)
Telecommunications Act of 1996.)

RECOMMENDATION: APPROVE AMENDMENT

On January 10, 2005, Global Connection Inc. of America and Qwest Corporation (Qwest) filed a first amendment to the interconnection agreement previously filed with the Public Utility Commission of Oregon (Commission). The parties seek approval of this amendment 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 or amendment thereto reached through voluntary negotiation within 90 days of filing. The Commission may reject an agreement or amendment 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.

The amendment removes all aspects of UNE-P, mass market switching and shared transport from the underlying agreement. The underlying agreement, ARB 645, was adopted on January 3, 2005. Staff concludes that the FCC Order refers specifically to agreements in place prior to June 15, 2004, and therefore, does not apply in this case.¹

¹ FCC Order No. 04-179 states “ Specifically, we conclude that the appropriate interim approach here is to require incumbent LECs to continue providing unbundled access to switching, enterprise market loops, ad dedicated transport under the same rates, terms, and conditions that applied under their interconnection agreements as of June 15, 2004. These rates, terms, and conditions shall remain in place until the earlier of the effective date of final unbundling rules promulgated by the Commission or six months after the Federal Register publication of the Order,

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 concludes that the amendment 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, Oregon this 26th day of January, 2005.

Celeste Hari
Telecommunications Analyst

except to the extent that they are or have been superceded by (1) voluntary negotiated agreements, (2) an intervening Commission order affecting specific unbundling obligations (e.g. an order addressing a pending petition for reconsideration), or (3) (with respect to rates only) a state public utility commission order raising the rates for network elements.”