

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 755

In the Matter of)
)
T-MOBILE USA, INC. and CITIZENS) STAFF COMMENTS
TELECOMMUNICATIONS COMPANY OF)
OREGON.)
)
Interconnection Agreement Submitted for)
Commission Approval Pursuant to Section)
252(e) of the Telecommunications Act of 1996.)

RECOMMENDATION: APPROVE AGREEMENT

On June 19, 2006, T-Mobile USA, Inc. and Citizens Telecommunications Company of Oregon filed an interconnection agreement with the Public Utility Commission of Oregon (Commission). The agreement is for interconnection and traffic exchange for cellular and other 2-way mobile radio services between the two parties. The parties seek approval of the 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 is not consistent with the public interest, convenience, and necessity.

The first page of the agreement is dated October 2, 2005. However, the agreement was not signed by T-Mobile USA, Inc. until January 18, 2006 and by Citizens on April 13, 2006. The agreement was not filed with the Commission until June 19, 2006. The agreement acknowledges on page 12 and again on page 18, that it is not effective until it has been approved by the Commission. Staff contacted the parties for more information regarding the time between origination and filing the agreement with the Commission. The parties indicated that negotiation of the terms of the agreement began on October 2, 2000 and concluded

April 13, 2006. The companies were not operating under the contract during the negotiation period.

The amount of time between the April 13, 2006 signature date and the June filing date of the agreement is not uncommon in interconnection agreements. Staff finds no reason to treat this filing any differently than other filed with similar delay between signature and filing.

Staff recommends the Commission approve 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.

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.

Dated at Salem, Oregon, this 10th day of July, 2006.

Celeste Hari
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