

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 770

In the Matter of)
)
LEVEL 3 COMMUNICATIONS, LLC and) STAFF COMMENTS
UNITED TELEPHONE COMPANY OF THE)
NORTHWEST dba EMBARQ)
)
Interconnection Agreement Submitted for)
Commission Approval Pursuant to Section)
252(e) of the Telecommunications Act of 1996.)

RECOMMENDATION: APPROVE AGREEMENT

On October 6, 2006, Level 3 Communications, LLC and United Telephone Company of the Northwest dba Embarq 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.

The first paragraph of the agreement states an effective date of August 1, 2005, which is well over one year prior to the agreement being filed. The definition section of the agreement contains a statement that the effective date is the date referenced in paragraph 1, "...unless otherwise required by the Commission."

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 cautions the parties to file future agreements closer to the stated effective date. Not doing so may cause the agreement to appear discriminatory since it would appear that the parties were operating under an unfiled and unapproved interconnection agreement.

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 24th day of October, 2006.

Celeste Hari
Telecommunications Analyst
Competitive Issues
Telecommunications Division