

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: December 6, 2016

REGULAR _____ CONSENT X EFFECTIVE DATE _____ N/A

DATE: November 22, 2016

TO: Public Utility Commission

FROM: Armando Fimbres

THROUGH: Jason Eisdorfer, Bryan Conway, and Kay Marinos

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: Request to approve Negotiated Interconnection Agreements and Amendments submitted pursuant to Section 252(e) of the Telecommunications Act of 1996.

STAFF RECOMMENDATION:

Staff recommends the Commission approve the new negotiated interconnection agreements listed below, with the agreements to be considered legally enforceable on the date of Commission approval.

DISCUSSION:

47 U.S.C. Sections 252(a) and (e) require that any negotiated interconnection agreement, including amendments to an existing agreement, be submitted to a state commission for approval. Under 47 U.S.C. Section 252(e)(4), the Commission must approve or reject such agreements within 90 days of filing. The Commission may reject an agreement only if it finds that:

- (i) the agreement, or portion thereof, discriminates against a telecommunications carrier not a party to the agreement; or
 - (ii) the implementation of such agreement, or portion thereof, is not consistent with the public interest, convenience, and necessity.
- See 47 U.S.C. Section 252(e)(2).

An interconnection agreement or amendment thereto is not legally enforceable until approved by a state commission. See 47 U.S.C. Sections 252(a) and (e). Accordingly, although the contracting parties may state in the agreement that each will abide by the agreement prior to its approval by the Commission, the legally enforceable date under

47 U.S.C. Section 252 of any submitted agreement or amendment is the date the Commission approves it.

Staff has reviewed the following agreements submitted for Commission approval:

| Docket | Parties to the Agreements |
|---------------|--|
| ARB 1138 | Charge Communication Inc. and United Telephone Company of the Northwest d/b/a CenturyLink |
| ARB 1139 | Charge Communication Inc. and CenturyTel of Eastern Oregon, Inc. d/b/a CenturyLink; CenturyTel of Oregon, Inc. d/b/a CenturyLink |

Staff recommends approval of the agreements. Staff finds that the agreements do not discriminate against non-party telecommunications carriers and do not appear to be inconsistent with the public interest, convenience, and necessity. Accordingly, Staff concludes that there is no basis under 47 U.S.C. Section 252(e)(2) to reject the agreements.

PROPOSED COMMISSION MOTION:

Approve the new agreements listed above.