

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 96(5)

In the Matter of the Fifth Amendment to the)	
Negotiated Interconnection Agreement Between)	
COVAD COMMUNICATIONS COMPANY)	STAFF COMMENTS
and QWEST CORPORATION, Submitted For)	
Commission Approval Pursuant to Section)	
252(e) of the Telecommunications Act of 1996.)	

RECOMMENDATION: APPROVE AMENDMENT

On February 11, 2003, Covad Communications Company and Qwest Corporation filed a fifth amendment to the interconnection agreement previously approved by 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 amendment 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.

Staff recommends approval of the amendment. Staff concludes that the amendment to the previously acknowledged 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, this 27th day of February, 2003.

Celeste Hari
Telecommunications Analyst