

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 199(22)

In the Matter of)	
)	
ESCHELON TELECOM OF OREGON, INC.)	STAFF COMMENTS
and QWEST CORPORATION,)	
)	
Twenty-second Amendment Submitted For)	
Commission Approval Pursuant to Section)	
252(e) of the Telecommunications Act of 1996.)	

RECOMMENDATION: APPROVE AMENDMENT

On November 1, 2005, Eschelon Telecom, Inc.. and Qwest Corporation filed the twenty-second 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 approved 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 points out that on page 8, paragraph 3, Effective Date, the amendment states: "...upon approval of the Colorado Public Utilities Commission..." Staff believes that the statement should say "...upon approval of the Public Utility Commission of Oregon..." and that the actual statement is in error. Staff will treat the statement as if it read correctly and does not have any bearing on the Colorado Public Utilities Commission decisions.

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 22nd day of November, 2005.

Celeste Hari
Telecommunications Analyst
Competitive Issues