

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 311(2)

In the Matter of)	
)	
LEVEL 3 COMMUNICATIONS, LLC and)	PUC STAFF'S COMMENTS
VERIZON NORTHWEST INC.)	
)	
Second Amendment to the Interconnection)	
Agreement Submitted for Commission)	
Approval Pursuant to Section 252(e) of the)	
Telecommunications Act of 1996.)	

RECOMMENDATION: APPROVE AMENDMENT

On December 30, 2004, Level 3 Communications, LLC. and Verizon Northwest, Inc. (Verizon) filed a second amendment to the interconnection agreement previously approved by the Public Utility Commission of Oregon (Commission). The parties seek approval of the 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 thereof is not consistent with the public interest, convenience, and necessity.

The filing states an effective date of April 1, 2004. The signature date is October 20, 2004. 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 all parties not to delay filing interconnection agreements or amendments thereto. More than eight months passed between the stated effective date of this amendment and the filing date. Staff also points out that the signature date is three months prior to the filing of the amendment. These types of discrepancies may cause future similar filings to be dismissed or looked at as discriminatory.

Staff recommends approval of the amendment. Staff concludes that the amendment 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, this 20th day of January, 2005.

Celeste Hari
Telecommunications Analyst