

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 343(3)

In the Matter of)	
)	
ONE POINT COMMUNICATIONS)	PUC STAFF'S COMMENTS
COLORADO L.L.C. and VERIZON)	
NORTHWEST INC.)	
)	
Third Amendment to the Interconnection)	
Agreement Submitted for Commission)	
Approval Pursuant to Section 252(e) of the)	
Telecommunications Act of 1996.)	

RECOMMENDATION: APPROVE AMENDMENT

On April 29, 2005, One Point Communications L.L.C. and Verizon Northwest Inc. filed the third amendment to the interconnection agreement previously approved by the Public Utility Commission of Oregon (Commission). The parties seek approval of the 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 parties state the agreement has a January 6, 2004 effective date. This date is over a year prior to filing the agreement and prior to the Commission approving the agreement. The agreement references a Federal Communications Commission decision that was effective on October 2, 2003. That date reflects a “change in law” and most interconnection agreements contain a statement allowing changes in law to effect the terms in the agreement. Staff views this amendment as such a change.

Verizon Northwest Inc. indicated to Staff that during a cross check of its interconnection agreements, it discovered the amendment had not filed. However, Staff still reminds all parties that interconnection agreements and changes thereto should be filed as close as possible to the date of actual change in order to avoid being discriminatory in appearance.

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 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. Staff recommends approval of the agreement.

Dated at Salem, this 20th day of May, 2005.

Celeste Hari
Telecommunications Analyst
Competitive Issues