

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 180(2)

In the Matter of)	
)	
SPRINT SPECTRUM L.P. and VERIZON)	STAFF COMMENTS
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 June 13, 2002, Sprint Spectrum L.P. and Verizon Northwest Inc. filed a second amendment to the interconnection agreement previously acknowledged by letter of the Public Utility Commission of Oregon (Commission). The parties seek approval of the current amendment 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 is not consistent with the public interest, convenience, and necessity.

The amendment included an effective date of June 14, 2001. This date gives the appearance of backdating the agreement. A backdated agreement would appear to be discriminatory since the amendment may only be adopted on a going-forward basis. After further investigation, including a conversation with a Verizon representative, Staff concludes that this amendment is not discriminatory and recommends the Commission approve it.

Staff recommends approval of the agreement. 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 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 251 (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 2nd day of July, 2002.

Celeste Hari
Telecommunications Analyst