

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 199(16 & 17)

In the Matter of)
)
ESCHELON TELECOM OF OREGON, INC.) STAFF COMMENTS
and QWEST CORPORATION,)
)
Sixteenth and Seventeenth Amendments to the)
Interconnection Agreement Submitted for)
Commission Approval Pursuant to Section)
252(e) of the Telecommunications Act of 1996.)

RECOMMENDATION: APPROVE AMENDMENTS

On June 16, 2004, Eschelon Telecom of Oregon, Inc., and Qwest Corporation (Qwest) filed the sixteenth and seventeenth amendments to the interconnection agreement previously approved by the Public Utility Commission of Oregon (Commission). The parties seek approval of these amendments under Section 252(e) of the Telecommunications Act of 1996. The Commission provided notice by posting an electronic copy of the amendments 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.

These amendments were entered into in 2000. At that time, the Companies involved believed that directory assistance and operator services did not fall within the Section 252 of the Federal Telecommunications Act and so did not file the agreements. Recent FCC pronouncements indicate that these types of issues in agreements should be filed. The Parties have filed them at this time in compliance with the FCC decision.

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 recommends approval of the agreement. Staff concludes that the agreement itself 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, Oregon this 30th day of June, 2004.

Celeste Hari
Telecommunications Analyst