

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 199(12)

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

RECOMMENDATION: APPROVE AMENDMENT

On May 20, 2002, Eschelon Telecom of Oregon, Inc. and Qwest Corporation filed the twelfth amendment to the interconnection agreement previously acknowledged 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 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.

Staff notes that the amendment refers to an "Implementation Plan dated July 31, 2001/August 1, 2001." The amendment should have been submitted at the time of the implementation plan. Delay of this type is not acceptable and should not be repeated in further agreements or amendments.

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 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.

Date at Salem, this 10th day of June, 2002.

Celeste Hari
Telecommunications Analyst