



Oregon

John A. Kitzhaber, MD, Governor

Public Utility Commission

550 Capitol St NE, Suite 215
Mailing Address: PO Box 2148
Salem, OR 97308-2148
Consumer Services
1-800-522-2404
Local: 503-378-6600
Administrative Services
503-373-7394

August 31, 2012

ADMINISTRATIVE HEARINGS DIVISION
PUBLIC UTILITY COMMISSION OF OREGON
550 CAPITOL STREET NE SUITE 215
SALEM OR 97301-2551

RE: ARB 302(28)

Attached are the Public Utility Commission's staff comments regarding the above named amendment to an interconnection agreement between McLeodUSA Telecommunications Services, Inc. and Qwest Corporation.

Mitch Moore
Sr. Telecommunications Analyst
Telecommunications Division
503-378-6635

cc: Michael Weirich, Department of Justice
Carla Butler, Qwest Corporation
Julia Redman-Carter, McLeodUSA Telecommunications Services, Inc.



BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 302(28)

In the Matter of)
)
McLeodUSA Telecommunications Services,) **STAFF COMMENTS**
Inc. dba PAETEC Business Services dba)
Windstream Communications and Qwest)
Corporation dba CenturyLink QC)
)
Interconnection Agreement Submitted for)
Commission Approval Pursuant to Section
252(e) of the Telecommunications Act of 1996.

RECOMMENDATION: APPROVE AMENDMENT

On June 21, 2012, McLeodUSA Telecommunications Services, Inc. and Qwest Corporation filed an amendment to their interconnection agreement with the Public Utility Commission of Oregon (Commission). The Parties seek approval of this amendment under Section 252(e) of the Telecommunications Act of 1996. The Commission provided notice by posting an electronic copy of the amendment on its website at <http://apps.puc.state.or.us/edockets/filings.asp>. The Commission Staff (Staff) offers these comments.

Under the Act, the Commission must approve or reject an agreement or amendment to an existing agreement reached through voluntary negotiation within 90 days of filing. The Commission may reject an agreement or an amendment only if it finds that:

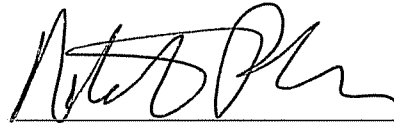
- (1) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (2) the implementation of such agreement or portion thereof is not consistent with the public interest, convenience, and necessity.

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.

The amendment should have been placed on the Consent Agenda for the September 13, 2012 Public Meeting. However, the amendment inadvertently did not appear on the Public Meeting Agenda. The due date for the order for this amendment is September 19, 2012, which is before the next regularly scheduled public meeting on September 25, 2012. Therefore, staff requests that a separate order be written approving the amendment.

Staff concludes that the amendment does not appear to discriminate against telecommunications carriers who are not parties to the amendment and does not appear to be inconsistent with the public interest, convenience, and necessity.

Dated at Salem, Oregon, this 31st day of August, 2012.

A handwritten signature in black ink, appearing to read "Mitch Moore", written over a horizontal line.

Mitch Moore

Sr. Telecommunications Analyst
Competitive Issues
Telecommunications Division

CERTIFICATE OF SERVICE

AR302

I certify that I have, this day, served the foregoing document upon all parties of record in this proceeding by delivering a copy in person or by mailing a copy properly addressed with first class postage prepaid, or by electronic mail pursuant to OAR 860-001-0180, to the following parties or attorneys of parties.

Dated this 31st day of August, 2012 at Salem, Oregon

Kay K Barnes

Kay Barnes
Public Utility Commission
550 Capitol St NE Ste 215
Salem, Oregon 97301-2551
Telephone: (503) 378-5763

SERVICE LIST (PARTIES)

ARB 302

MCLEODUSA TELECOMMUNICATIONS SERVICES LLC	
AL FINNELL	al.finnell@windstream.com
PUC STAFF--DEPARTMENT OF JUSTICE	
MICHAEL T WEIRICH ASSISTANT ATTORNEY GENERAL	BUSINESS ACTIVITIES SECTION 1162 COURT ST NE SALEM OR 97301-4096 michael.weirich@doj.state.or.us
QWEST CORPORATION	
CARLA BUTLER PARALEGAL	310 SW PARK AVE 11TH FL PORTLAND OR 97205-3715 carla.butler@centurylink.com