

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

ARB 311(1)

In the Matter of )  
 )  
LEVEL 3 COMMUNICATIONS, LLC., and ) STAFF COMMENTS  
VERIZON NORTHWEST INC., )  
 )  
First Amendment Submitted for Commission )  
Approval Pursuant to Section 252(e) of the )  
Telecommunications Act of 1996. )

RECOMMENDATION: APPROVE AGREEMENT

On September 16, 2002, Level 3 Communications, LLC, and Verizon Northwest Inc. filed a first amendment to the previously approved 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 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 or amendment reached through voluntary negotiation within 90 days of filing. The Commission may reject an agreement or amendment only if it finds that:

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

Staff recommends approval of the amendment. Staff concludes that the amendment 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 7th day of October, 2002.

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**Celeste Hari**  
Telecommunications Analyst