

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 491

In the Matter of)	
)	
METROPOLITAN TELECOM-)	PUC STAFF'S COMMENTS
MUNICATIONS OF OREGON, INC., and)	
VERIZON NORTHWEST INC.)	
)	
Adopting the Negotiated Interconnection)	
Agreement between SPRINT)	
COMMUNICATIONS COMPANY L.P.INC.)	
and VERIZON CALIFORNIA, INC. (fka GTE)	
CALIFORNIA INCORPORATED) which was)	
previously approved by the California Public)	
Utilities Commission, Submitted Pursuant to)	
Section 252(e) of the Telecommunications Act)	
of 1996.)	

RECOMMENDATION: APPROVE AGREEMENT

The Public Utility Commission of Oregon's staff (Staff) submits the following comments regarding the interconnection agreement between Metropolitan Telecommunications of Oregon, Inc. (MetTel) and Verizon Northwest Incorporated (Verizon). MetTel and Verizon filed the agreement with the Commission on May 27, 2003, as provided under Section 252(e) of the Telecommunications Act of 1996.

The cover letter of the filing submitted by Verizon and jointly signed by MetTel, state that the agreement is an "adoption" of the terms and is "adopting" the terms, respectively, of an agreement approved in the State of California. The filing is pursuant to the conditions of the Most Favored Nation terms of the Federal Communications Commission conditions of the Bell Atlantic/GTE Merger. *See* CC Docket No. 98-184. The terms of the merger bind Verizon to the offering of out of state agreements to other telecommunications providers, but they are not binding on the Oregon Public Utility Commission to approve these agreements. While companies are free to use language and terms from whatever agreement they desire, it does not constitute an "adoption" upon filing with the Oregon Public Utility Commission. The underlying agreement referenced in the filing (Interconnection Agreement between Verizon Californis, Inc. fka GTE California Incorporated is not an agreement previously approved by the Oregon Public Commission. Therefore, it cannot be processed as an adoption in Oregon. The filing is

not an adoption and Verizon holds that it is not a negotiated agreement. Staff views this filing as a Merger Most Favored Nation agreement filed pursuant to FCC Order No. 00-221. Staff contends that the filing merits review as set forth in 252(e)(2)(A) of the Act. Staff makes no representations as to what the implications of such a filing constitutes.

Page three of the cover letter states: "MetTel's adoption of the Verizon California Terms shall become effective on March 28, 2003." The document was filed with the Commission on May 27, 2003. Both stated dates are prior to approval or disapproval by the Commission. Under Sections 252(a) and (e) of the Telecommunications Act of 1996, parties to an interconnection agreement are required to submit the agreement "to the State Commission" for approval or rejection. Agreements do not have force or effect until approved by the relevant state commission, in this case the Public Utility Commission of Oregon.

The Verizon cover letter notes that MetTel is to be inserted in the agreement wherever Sprint Communications Company L.P. appears. Staff notes that a similar exchange does not take place regarding the portion of the agreement regarding California law. Staff believes that "Oregon law" is the appropriate replacement and is assuming this was just an oversight in the agreement.

The agreement contains prices/terms that do not pertain to Oregon. Staff believes extraneous terms and prices make the agreement difficult to follow and difficult to conclude what pertains to Oregon. Future agreements should be filed only after the non-pertinent information is removed.

After reviewing the filing under the standards established by the Telecommunications Act of 1996, Staff recommends the Commission approve the filing. The agreement and amendment do not appear to discriminate against telecommunications carriers that are not party to the agreement. Implementation of the agreement and amendment does not appear to be inconsistent with the public interest, convenience, and necessity.

Dated at Salem, this 10th day of June, 2003.

Celeste Hari
Telecommunications Analyst

