BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 509(7)

In the Matter of	)	
	)	
NORTHWEST OPEN ACCESS NETWORK	)	STAFF COMMENTS
OREGON and QWEST CORPORATION.	)	
	)	
Seventh Amendment to the Interconnection	)	
Agreement Submitted for Commission	)	
Approval Pursuant to Section 252(e) of the	)	
Telecommunications Act of 1996.	)	

RECOMMENDATION: APPROVE AMENDMENT

On July 1, 2005, Northwest Open Access Network Oregon and Qwest Corporation filed a seventh amendment to the interconnection agreement previously approved 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 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.

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.

Dated at Salem, this 22nd day of July, 2005.

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Celeste Hari
Telecommunications Analyst
Competitive Issues