

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 575

In the Matter of)	
)	
NEXTEL COMMUNICATION, INC. and)	PUC STAFF'S COMMENTS
HOME TELEPHONE COMPANY, INC. dba)	
TDS TELECOM)	
)	
Interconnection Agreement Submitted for)	
Commission Approval Pursuant to Section)	
252(e) of the Telecommunications Act of)	
1996.)	

RECOMMENDATION: APPROVE AGREEMENT

On June 22, 2004, NEXTEL Communication, Inc. and Home Telephone Company, Inc. dba TDS Telecom filed an interconnection agreement with the Public Utility Commission of Oregon (Commission). The parties seek approval of the agreement 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 thereof is not consistent with the public interest, convenience, and necessity.

Staff notes that the agreement is part of a group of wireless agreements that are being filed in compliance with the Commission's May 11, 2004 letter and FCC Order No. 02-276, regarding the filing of wireless agreements. The signature date on this agreement is old. However, at the time of signature, the Telecommunications Act of 1996 was not clear regarding the filing of wireless agreements.

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.

Staff concludes that the 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 recommends approval of the agreement.

Dated at Salem, this 12th day of July, 2004

Celeste Hari
Telecommunications Analyst