

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

ARB 749

In the Matter of )  
 )  
RIO COMMUNICATIONS, INC. and ) **STAFF COMMENTS**  
CITIZENS TELECOMMUNICATIONS )  
COMPANY OF OREGON. )  
 )  
Interconnection Agreement Submitted for )  
Commission Approval Pursuant to Section )  
252(e) of the Telecommunications Act of 1996. )

**RECOMMENDATION: APPROVE AGREEMENT**

On May 17, 2006, RIO Communications, Inc. and Citizens Telecommunications Company of Oregon 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 is not consistent with the public interest, convenience, and necessity.

The agreement states that it was made on January 26, 2005. However, the agreement was not signed by either party until March, 2006. This is a significant amount of lag time between the stated origin date and the actual signature date. Staff contacted Citizens Telecommunications Company of Oregon to obtain an explanation of the time lag. Staff was informed that the parties did not operate under the agreement until the signature date.

Staff recommends the Commission approve the agreement. 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 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, Oregon, this 30<sup>th</sup> day of May, 2006.

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**Celeste Hari**  
Telecommunications Analyst  
Competitive Issues  
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