

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

ARB 765(1&2)

In the Matter of	)	
	)	
AIRPEAK COMMUNICATIONS, LLC and	)	PUC STAFF'S COMMENTS
VERIZON NORTHWEST INC.,	)	
	)	
First and Second Amendments to the	)	
Interconnection Agreement Previously	)	
Submitted for Commission Approval Pursuant	)	
to Section 252(e) of the Telecommunications	)	
Act of 1996.	)	

RECOMMENDATION:      APPROVE AMENDMENTS

On September 15, 2006, Airpeak Communications, LLC and Verizon Northwest Inc. filed the first and second amendments to the interconnection agreement previously filed with the Public Utility Commission of Oregon (Commission). The parties seek approval of the amendments under Section 252(e) of the Telecommunications Act of 1996. The Commission provided notice by posting an electronic copy of the amendments 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 the filing 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 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 amendments do not appear to discriminate against telecommunications carriers who are not parties to the agreement and do not appear to be inconsistent with the public interest, convenience, and necessity. Staff recommends approval of the amendments.

Dated at Salem, Oregon this 27<sup>th</sup> day of September, 2006.

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**Celeste Hari**  
Telecommunications Analyst  
Competitive Issues  
Telecommunications Division