

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

ARB 861

In the Matter of )  
 )  
In the Matter of CLERTECH.COM ) STAFF COMMENTS  
INCORPORATED and QWEST )  
CORPORATION. )  
 )  
Interconnection Agreement Submitted for )  
Commission Approval Pursuant to Section )  
252(e) of the Telecommunications Act of 1996. )

**RECOMMENDATION: APPROVE AGREEMENT**

On August 5, 2008, Clertech.com Incorporated and Qwest Corporation filed an interconnection agreement with the Public Utility Commission of Oregon (Commission). The Parties seek approval of this agreement under Section 252(e) of the Telecommunications Act of 1996. The Commission provided notice by posting an electronic copy of the agreement on its website at <http://apps.puc.state.or.us/edockets/filings.asp>. 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 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.

The agreement should have been placed on the Consent Agenda for the October 21, 2008 Public Meeting. However, the agreement was overlooked and did not appear on Staff's Public Meeting Memo. The error was detected after the deadline for publication of the memo.

Since the due date for the order for this agreement is on November 3, 2008 and before the next regularly scheduled public meeting on November 4, 2008, Staff requests that a separate order be written approving 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.

Dated at Salem, Oregon, this 20<sup>th</sup> day of October, 2008.

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**Celeste Hari**  
Telecommunications Analyst  
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