

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 97(2)

In the Matter of)	
)	
COVAD COMMUNICATIONS COMPANY)	Comments of Verizon Northwest
and VERIZON NORTHWEST INC.)	Inc.
)	
Adopting the Negotiated Interconnection)	
Agreement between NUI TELECOM, INC.)	
and VERIZON MARYLAND, INC. which)	
was previously approved by the Maryland)	
Public Service Commission, Submitted)	
Pursuant to Section 252(e) of the)	
Telecommunications Act of 1996.)	
)	

On June 7, 2005, the Public Utility Commission of Oregon’s staff (Staff) filed comments regarding the interconnection agreement between Covad Communications Company (Covad) and Verizon Northwest Inc. (Verizon) that was filed with the Commission on May 17, 2005, as provided under Section 252(e) of the Telecommunications Act of 1996.

Staff recommended that the Commission reject the filing as moot since the filing stated that the terms of the agreement between Covad and Verizon Northwest expired on September 19, 2004.

On June 15, 2005 Verizon notified staff that this filing was a Pick and Choose adoption by Covad of the Line Splitting terms from the NUI Telecom Interconnection Agreement in Maryland. This agreement contains an evergreen clause. The clause reads as follows:

- 1.1 This Agreement shall be effective as of the Effective Date and, unless cancelled or terminated earlier in accordance with the terms hereof, shall continue in effect until September 19, 2004 (the “Initial Term”). Thereafter, this Agreement shall continue in force and effect unless and until cancelled or terminated as provided in the Agreement.

A copy of the NUI Telecom Maryland agreement was provided to Staff on June 15, 2005.

Verizon Comments

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Verizon apologizes for the fact that this agreement was filed in an untimely manner and has taken steps to insure that this doesn't happen in the future.

Staff acknowledges in their comments that this agreement is not unique in nature nor does it contain any questionable provisions. There is nothing in the filing that Staff finds discriminatory or inconsistent with the public interest had it been filed on time. This is the same type of MFN agreement that has been approved several times in the past.

In light of the fact that the Verizon Maryland Inc. and NUI Telecom Maryland agreement contains evergreen language extending the term of the agreement until cancelled or terminated by the parties, Verizon respectfully requests that the Commission recommend approval of this agreement.

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

Renee M. Willer
Authorized Representative
Verizon Northwest Inc.