

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: June 13, 2023

REGULAR CONSENT EFFECTIVE DATE _____ N/A _____

DATE: June 5, 2023

TO: Public Utility Commission

FROM: Bret Farrell

THROUGH: Caroline Moore and Scott Gibbens **SIGNED**

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
Request to approve Negotiated Interconnection Agreement/Amendments submitted pursuant to Section 252(e) of the Telecommunications Act of 1996.

STAFF RECOMMENDATION:

Approve the new negotiated interconnection agreement and amendments listed below, with the new and amended agreements to be considered legally enforceable on the date of Commission approval.

DISCUSSION:

Issue

Whether the Commission should approve the new negotiated interconnection agreement and amendments.

Applicable Law

47 U.S.C. Sections 252(a) and (e) require that any negotiated interconnection agreement, including amendments to an existing agreement, be submitted to a state commission for approval before it may become legally enforceable.

OAR 860-016-0020 governs Commission review of interconnection agreements and amendments. Specifically:

- (3) After the parties reach agreement under Section 252(a) of the Act,

they must file an application with the Commission seeking approval of the agreement, or for approval of an amendment to an approved agreement on file with the Commission. The application must include the negotiated agreement and a completed Carrier-to-Carrier Agreement Checklist. A copy of the checklist is available on the Commission's website. The parties may also include any other supporting information with their application. The application and checklist must be filed electronically as required in OAR 860-001-0170.

(4) The Commission will approve or reject the agreement within 90 days of filing, with written findings as to any deficiencies. Prior to rejecting the agreement, the Commission will notify the negotiating parties of its intended action and provide an opportunity for the carriers to respond. The grounds for rejection are that the agreement:

(a) Discriminates against a carrier not a party to the agreement; or

(b) Is not consistent with the public interest, convenience, and necessity. Applicable Commission policies will be a factor in public interest, convenience, and necessity determinations.

Analysis

As noted above, an interconnection agreement or amendment thereto is not legally enforceable until approved by a state commission. See 47 U.S.C. Sections 252(a) and (e). Accordingly, Staff notes that although the contracting parties may state in the agreement that each will abide by the agreement prior to its approval by the Commission, the legally enforceable date under 47 U.S.C. Section 252 of any submitted agreement or amendment is the date the Commission approves it.

Staff has reviewed the following new agreement and amendments organized by filing date and submitted for Commission approval:

Docket	Parties to the Agreement or Amendment
ARB 1078(1)	Metropolitan Telecommunications of Oregon, Inc. and CenturyTel of Eastern Oregon, Inc. dba CenturyLink; CenturyTel of Oregon, Inc. dba CenturyLink
ARB 936(1)	Metropolitan Telecommunications of Oregon, Inc. and United Telephone Company of the Northwest dba CenturyLink
ARB 891(1)	Greenfly Networks Inc. dba Clearly Communications and Qwest Corporation dba

ARB 891(2)	CenturyLink QC Greenfly Networks Inc. dba Clearly Communications and Qwest Corporation dba CenturyLink QC
ARB 828(3)	Eastern Oregon Telecom, LLC and Qwest Corporation dba CenturyLink QC
ARB 516(7)	Granite Telecommunications, LLC and Qwest Corporation dba CenturyLink QC
ARB 516(8)	Granite Telecommunications, LLC and Qwest Corporation dba CenturyLink QC
ARB 876(1)	Jet Communications, LLC (FKA Group Six Communications, LLC) and Qwest Corporation dba CenturyLink QC
ARB 876(2)	Jet Communications, LLC (FKA Group Six Communications, LLC) and Qwest Corporation dba CenturyLink QC
ARB 1229	Farmers Mutual Telephone Company and Qwest Corporation dba CenturyLink QC
ARB 756(1)	YMAX Communications Corp. and Qwest Corporation dba CenturyLink QC
ARB 756(2)	YMAX Communications Corp. and Qwest Corporation dba CenturyLink QC
ARB 791(3)	Charter Fiberlink OR – CCVII, LLC and Qwest Corporation dba CenturyLink QC
ARB 517(9)	Level 3 Communications LLC (FKA WILTEL Communications, LLC) and Qwest Corporation dba CenturyLink QC
ARB 1230	Wide Voice LLC and Qwest Corporation dba CenturyLink QC
ARB 1231	Stayton Cooperative Telephone Company dba SCTC and Level 3 Communications, LLC

Staff recommends approval of the agreement and amendments. Staff finds that the new and amended agreement does not discriminate against non-party telecommunications carriers and does not appear to be inconsistent with the public interest, convenience, and necessity. Accordingly, Staff concludes that there is no basis under the Act to reject the agreement or amendments.

PROPOSED COMMISSION MOTION:

Approve the new negotiated interconnection agreement and amendments listed above.