

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: December 10, 2013**

REGULAR _____ CONSENT X EFFECTIVE DATE _____ N/A _____

DATE: November 27, 2013

TO: Public Utility Commission

FROM: Armando Fimbres

JE *[Signature]* *KM*

THROUGH: Jason Eisdorfer, Bryan Conway, and Kay Marinos

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

STAFF RECOMMENDATION:

Staff recommends the Commission approve the new negotiated interconnection agreement and the amendment to a previously approved interconnection agreement listed below, with the agreement and amendment to be considered legally enforceable on the date of Commission approval.

DISCUSSION:

47 U.S.C. Sections 252(a) and (e) (Section 252) require that any negotiated interconnection agreement, including amendments to an existing agreement, be submitted to a state commission for approval. Under the Act, the Commission must approve or reject such agreements within 90 days of filing. The Commission may reject an agreement only if it finds that:

- (i) the agreement, or portion thereof, discriminates against a telecommunications carrier not a party to the agreement; or
- (ii) the implementation of such agreement, or portion thereof, is not consistent with the public interest, convenience, and necessity. See Section 252(e)(2).

An interconnection agreement or amendment thereto is not legally enforceable until approved by a state commission. See Sections 252 (a) and (e). Accordingly, 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 Section 252 of any submitted agreement or amendment is the date the Commission approves it.

Staff has reviewed the following new agreement and amendment to a previously approved agreement submitted for Commission approval:

Docket	Parties to the Amendment or Agreement
ARB 761(1)	Cricket Communications, Inc. and United Telephone Company of the Northwest d/b/a/ CenturyLink
ARB 1051	Noel Communications, Inc. and Qwest Corporation dba CenturyLink QC

Staff recommends approval of the agreement and amendment. Staff finds that the agreement and amendment do not discriminate against non-party telecommunications carriers and do 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 amendment.

PROPOSED COMMISSION MOTION:

The new agreement and the amendment to a previously approved agreement listed above be approved.