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**BEFORE THE PUBLIC UTILITY COMMISSION**  
**OF OREGON**

ARB 199 (5, 6, 7, 8)

In the Matter of the Fifth, Sixth, Seventh, and )  
Eighth Amendments to the Interconnection )  
Agreement Between ESCHELON TELECOM ) ORDER  
OF OREGON, INC. and QWEST )  
CORPORATION, Submitted for Commission )  
Approval Pursuant to Section 252(e) of the )  
Telecommunications Act of 1996. )

DISPOSITION: AMENDMENTS APPROVED

On October 18, 2001, Eschelon Telecom of Oregon, Inc. and Qwest Corporation filed fifth, sixth, seventh, and eighth amendments to the interconnection agreement previously acknowledged by the Public Utility Commission of Oregon (Commission) by letter issued February 8, 2000, recognizing the adoption of ARB 3 terms. Subsequent amendments have been approved by Order Nos. 00-248, 00-371, 01-237, and 01-309. The parties seek approval of the current amendments under Section 252(e) of the Telecommunications Act of 1996. The Commission provided notice of the request for approval and an opportunity to comment. Only the Commission Staff (Staff) filed 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 is not consistent with the public interest, convenience, and necessity.

Staff noted that an interconnection agreement or amendments thereto have no effect or force until approved by a state Commission. See 47 U.S.C. Sections 251 (a) and (e). Accordingly, Staff pointed out that the effective date for these filings will be the date the Commission signs an order approving them, and that any provisions stating that the parties' agreements are effective prior to that date is not enforceable.

Staff recommended approval of the amendments. Staff concluded that the amendments to the previously approved agreement 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.

**OPINION**

The Commission adopts Staff’s recommendation and concludes that there is no basis under the Act to reject the amendments to the previously approved agreement. No participant in the proceeding has requested that the amendments be rejected or has presented any reason for rejection. Accordingly, the amendments should be approved.

**CONCLUSIONS**

1. There is no basis for finding that the amendments to the previously approved agreement discriminates against any telecommunications carrier not a party to the agreement.
2. There is no basis for finding that implementation of the amended agreement is not consistent with the public interest, convenience, and necessity.
3. The amendments should be approved.

**ORDER**

IT IS ORDERED that the fifth, sixth, seventh, and eighth amendments to the previously approved agreement, between Eschelon Telecom of Oregon, Inc. and Qwest Corporation, are approved.

Made, entered, and effective \_\_\_\_\_.

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**Phil Nyegaard**  
Acting Director  
Utility Program

A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to applicable law.