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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

ARB 149(3) + ARB 149(4)

In the Matter of the Third and Fourth Amendments to)
the Interconnection Agreement Between NEW EDGE)
NETWORK, INC. (dba NEW EDGE) **ORDER**
NETWORKS) and QWEST CORPORATION (fka)
U S WEST COMMUNICATIONS, INC.),)
Submitted for Commission Approval Pursuant to)
Section 252(e) of the Telecommunications Act of)
1996.)

DISPOSITION: AMENDMENTS APPROVED

On December 1, 2000, New Edge Network, Inc. (dba New Edge Networks) and Qwest Corporation, fka U S WEST Communications, Inc. (Qwest) filed with the Public Utility Commission of Oregon (Commission), third and fourth amendments to the interconnection agreement and amendments previously approved with Order Nos. 99-514, 00-024, and 01-090, issued August 24, 1999, January 19, 2000, and January 9, 2001, respectively. The parties seek approval of these third and fourth amendments under Section 252(e) of the Telecommunications Act of 1996 (Act).

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.

The Commission provided notice of the request for approval and an opportunity to comment to a list of persons who have participated in arbitrations under the Act. PUC Staff filed comments.

In ARB 149(4), New Edge and Qwest agreed to allow the agreement to become effective upon the date of execution by both parties. This provision governing the effective date is not enforceable. Under Sections 252(a) and (e) of the Act of 1996, agreements do not have force or effect until approved by the Commission.

Staff concluded that the amendments to the previously filed 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 has reviewed the amendments to the previously approved agreement and the comments. No participant in the proceeding has requested that the amendments be rejected or has presented any reason for rejection. The Commission concludes that there is no basis under the Act to reject the amendments and that the amendments should be approved.

CONCLUSIONS

1. There is no basis for finding that the amendments to the previously approved agreement discriminate 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 with the understanding that the provision governing the effective date is unenforceable.

ORDER

IT IS ORDERED that the third and fourth amendments to the previously approved agreements, between New Edge Network, Inc. and Qwest Corporation, are approved.

Made, entered, and effective _____.

William G. Warren
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.