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

ARB 132(5)

In the Matter of the Fifth Amendment to the )  
Interconnection Agreement Between )  
HIGHSPEED.COM OF OREGON, LLC and ) ORDER  
QWEST CORPORATION, Submitted for )  
Commission Approval Pursuant to Section )  
252(e) of the Telecommunications Act of 1996. )

DISPOSITION: AMENDMENT APPROVED

On April 23, 2001, HighSpeed.Com of Oregon, LLC and Qwest Corporation filed a fifth amendment to the interconnection agreement and amendments previously approved by the Public Utility Commission of Oregon (Commission) with Order Nos. 99-377, and 99-526, issued June 9, 1999, and August 30, 1999, respectively. At the time of filing of this fifth amendment, third and fourth amendments that had been filed on March 28, 2001, were still pending Commission decision. Order No. 01-517 issued June 25, 2001, approving the third and fourth amendments. The parties seek approval of the current amendment 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 amendment thereto has 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 of this filing will be the date the Commission signs an order approving it, and that any provision stating that the parties' agreement is effective prior to that date is not enforceable.

Staff recommended approval of the amendment. Staff concluded that the amendment to the previously approved agreement does not appear to discriminate against

telecommunications carriers who are not parties to the agreement and does 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 amendment to the previously approved agreement. No participant in the proceeding has requested that the amendment be rejected or has presented any reason for rejection. Accordingly, the amendment should be approved.

**CONCLUSIONS**

1. There is no basis for finding that the amendment 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 amendment should be approved.

**ORDER**

IT IS ORDERED that the amendment to the previously approved agreement, between HighSpeed.Com of Oregon, LLC and Qwest Corporation, is 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.