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

ARB 149 (5)

In the Matter of the Fifth Amendment (No. 6) to )  
the Interconnection Agreement Between NEW )  
EDGE NETWORK, INC., dba NEW EDGE ) ORDER  
NETWORKS, and QWEST CORPORATION, )  
Submitted for Commission Approval Pursuant to )  
Section 252(e) of the Telecommunications Act )  
of 1996. )

DISPOSITION: AMENDMENT APPROVED

On August 31, 2001, New Edge Network, Inc., doing business as New Edge Networks, and Qwest Corporation filed with the Public Utility Commission of Oregon (Commission) a fifth amendment (No. 6)<sup>1</sup> to the interconnection agreement and subsequent amendments previously approved with Order Nos. 99-514, 00-024, 01-090, and 01-132, issued August 24, 1999, January 19, 2000, January 9, 2001, and January 25, 2001, respectively. 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 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.

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<sup>1</sup> To date, an amendment No. 5 has not been filed with the Commission. Therefore, as the current amendment, referred to by the parties as No. 6, represents the fifth actual amendment filed with the Commission, we docketed it as ARB 149(5).

**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 fifth amendment to the previously approved agreements, between New Edge Network, Inc., doing business as New Edge Networks, 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.