



ORDER NO. 02-315

A third amendment (Second Revision) updating the SGAT to reflect changes negotiated in intervening months was filed on August 21, 2001. By our Order No. 01-878, entered October 22, 2001, we granted Qwest's petition and again allowed the SGAT, as amended to go into effect.<sup>1</sup>

A fourth amendment (Third Revision) updating the SGAT to reflect changes negotiated in intervening months was filed On October 30, 2001. Qwest simultaneously filed a Notice and a black-lined version of the SGAT indicating the changes from the previously submitted version. According to Qwest, "The SGAT that accompanies this Notice complies with the *Workshop 2 Final Report*. Qwest notes that it has also modified Section 10.8.4.2 to comply with the *Workshop 1 Final Report*—a modification that Qwest inadvertently failed to make in an earlier filing \* \* \*. Finally, the updated SGAT also contains a non-substantive change to Section 10.8.5 to reflect the fact that prices that were formerly in Exhibit D have now been incorporated into Exhibit A." (Notice, pp. 2-3). By our Order No. 01-1050, entered December 12, 2001, we granted Qwest's petition and again allowed the SGAT, as amended to go into effect.

A fifth amendment (Fourth Revision) of the SGAT was filed on January 30, 2002. As it had done previously, Qwest also filed a Notice of Updated Statement of Generally Available Terms and Conditions (Fourth Revision) and a black-lined version of the SGAT indicating the changes from the previously submitted version. According to Qwest, "As discussed further below, the SGAT document filed with this Notice reflects the revisions that were made to comply with the following: the Workshop 3 Findings and Recommendation Report of Commission, December 21, 2001; the Workshop 3 Findings and Recommendation Report of Administrative Law Judge and Procedural Ruling, November 2, 2001; and the Multi-State Facilitator's Report on Group 5 Issues: General Terms and Conditions, Section 272, and Track A, dated September 21, 2001." (Notice, p. 2). By our Order No. 02-145, entered March 7, 2002, we granted Qwest's petition and again allowed the SGAT, as amended to go into effect.

A sixth amendment (Fifth Revision) of the SGAT was filed on March 14, 2002. As it had done previously, Qwest also filed a Notice of Updated Statement of Generally Available Terms and Conditions (Fifth Revision) and a black-lined version of the SGAT indicating the changes from the previously submitted version. According to Qwest,

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<sup>1</sup> This is the number and date of the Errata Order adopting a previous order that had been improperly numbered. The Order was originally entered on October 16, 2001 as Order No. 01-874.

“the SGAT document filed with this Notice reflects the revisions that were made to comply with the Oregon PUC Workshop 4, Part 1, Findings and Recommendation Report of the Commission and Procedural Ruling, February 5, 2002 (“*Oregon Workshop 4, Part 1 Report*”)....Qwest also made a few modifications in the present SGAT filing that were erroneously omitted from previous filings. Finally, the current filing also incorporates language related to the same checklist items that the parties have agreed to in other states.” (Notice, p. 2).<sup>2</sup>

### DISCUSSION

The discussion of the nature of the SGAT and the SGAT process contained in our prior orders is adopted herein and will not be repeated. This sixth amendment to the SGAT is not unexpected. As noted in our prior Orders, we anticipated the current circumstances: “\* \* \* changes to the SGAT document may become cumbersome \* \* \* each amendment to the original document might trigger a new 60-day review period and an additional item on our Public Meeting agenda.”

As with the original SGAT submission and the first, second, third fourth and fifth amendments, we neither endorse nor approve of the substance of this new amendment. Rather, we allow the amendment to take effect and we will consider its substance, including the representations by Qwest that the language therein now complies with our previous Section 271 Workshop Reports, in the review process already under way in docket UM 823. Since the competitive local exchange carriers (CLECs) are able to negotiate interconnection agreements regardless of the availability of an SGAT, they will not be prejudiced by our action.

### ORDER

IT IS ORDERED that:

1. Pursuant to OAR 860-016-0040(2), the amendment to the Statement of Generally Available Terms filed by Qwest Corporation on March 14, 2002, in accordance with Section 252(f) of the Telecommunications Act of 1996, is permitted to go into effect.

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<sup>2</sup> Qwest has not, however, incorporated all of the changes necessary in order to be in compliance with the Reports issued to date. “Qwest has determined to defer SGAT compliance issues on a number of recommendations to Workshop 5 or has otherwise modified a few recommendations.” (Notice, p. 3).

2. The Commission hereby directs that this amendment to the Qwest Statement of Generally Available Terms be considered in the proceedings in docket UM 823 and that such changes to that amendment as may be necessary to comply with federal and state law shall be made.

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

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**Roy Hemmingway**  
Chairman

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**Lee Beyer**  
Commissioner

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**Joan H. Smith**  
Commissioner

UM 973 Sixth Amendment Order

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.