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**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 973

In the Matter of the Statement of Generally Available Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services, and Resale of Telecommunications Services Provided by U S WEST Communications, Inc., in the State of Oregon. )

ORDER

DISPOSITION: AMENDMENT TO STATEMENT PERMITTED TO GO INTO EFFECT.

On April 24, 2000, U S WEST Communications, Inc., now known as Qwest Corporation (Qwest), filed a statement of generally available terms (SGAT) under Section 252(f) of the Telecommunications Act of 1996 (Act). Pursuant to OAR 860-016-0040, the Public Utility Commission of Oregon (Commission) opened this docket and, by notice of April 25, 2000, invited interested persons to file comments on the SGAT by May 24, 2000. For the reasons discussed in our Order No. 00-327, entered June 20, 2000, we did not approve the SGAT document as filed, but allowed it to go into effect and ordered that its substance be reviewed in proceedings in docket UM 823.

The first amendment to the SGAT was filed on November 22, 2000, when Qwest asked that we “allow Section 8.4 of Qwest’s [SGAT] to be modified through operation of law by the physical collocation provisioning intervals set by the FCC \* \* \*.” By our Order No. 01-122, entered January 24, 2001, we granted Qwest’s petition and again allowed the SGAT, as amended to go into effect.

A second amendment updating the SGAT to reflect changes negotiated in intervening months was filed on June 12, 2001. By our Order No. 01-721, entered August 9, 2001, we granted Qwest’s petition and again allowed the SGAT, as amended to go into effect.

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. 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. By our Order No. 02-315, entered May 7, 2002, we granted Qwest's petition and again allowed the SGAT, as amended, to go into effect.

A seventh amendment (Sixth Revision) of the SGAT was filed on August 27, 2002. As it had done previously, Qwest also filed a Notice of Updated Statement of Generally Available Terms and Conditions (Sixth Revision) and a black-lined version of the SGAT indicating the changes from the previously submitted version. By our Order No. 02-731, entered October 23, 2002, we granted Qwest's petition and again allowed the SGAT, as amended to go into effect.

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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.

An eighth amendment (Seventh Revision) of the SGAT was filed on December 3, 2002. As it had done previously, Qwest also filed a Notice of Updated Statement of Generally Available Terms and Conditions (Seventh Revision) and a black-lined version of the SGAT indicating the changes from the previously submitted version. On December 13, 2002, Qwest filed an errata version of Exhibit A correcting an incorrect price for Analog Line Side Port (Section 9.11.1) which had been listed as \$1.26 and should be \$1.14, pursuant to Commission Order No. 01-1106 in Docket UT 138/139 (Phase II). By our Order No. 03-074, entered January 30, 2003, we granted Qwest's petition and again allowed the SGAT, as amended, to go into effect.

A ninth amendment (Eighth Revision) of the SGAT was filed on January 9, 2003. Unlike previous filings, however, Qwest did not include a "red-lined" version of the SGAT because "[a]ll of the substantive revisions included in the Eighth Revision SGAT are red-lined in the Notice."<sup>2</sup> In the Notice, Qwest states:

"The changes to the Eighth Revision SGAT clarify and further limit the conditions under which Qwest would be permitted to charge market-based, instead of TELRIC-based, rates for unbundled switching. These changes are the result of a request from Federal Communications Commission staff discussions surrounding Qwest's Section 271 applications for its first nine states."<sup>3</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 ninth 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 through eighth amendments, we neither endorse nor approve of the substance of this new amendment, while, at the same time, we allow the amendment to take effect. These circumstances are not changed by our actions in the Final Recommendation Report of the Commission in docket UM 823. After the FCC has completed action on Qwest's 271 application for Oregon, we will schedule further proceedings in this and other dockets to consider the SGAT's entire substance for compliance with our rules and policies and the furtherance of competition and the public interest in Oregon. Since 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.

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<sup>2</sup> *Qwest Corporation's Notice of Updated Statement of Generally Available Terms and Conditions (Eighth Revision)*.

<sup>3</sup> *Id.*, page 1, lines 13-16.

**ORDER**

IT IS ORDERED that pursuant to OAR 860-016-0040(2), the amendment to the Statement of Generally Available Terms filed by Qwest Corporation on January 9, 2003, in accordance with Section 252(f) of the Telecommunications Act of 1996, is permitted to go into effect.

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

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.