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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.)
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ORDER

DISPOSITION: ELEVENTH AMENDMENT (TENTH REVISION) 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). After a notice and comment period, we allowed the filing to go into effect and ordered that its substance be reviewed in proceedings in docket UM 823.¹

Qwest subsequently filed numerous amendments to its SGAT. To date, we have reviewed ten amendments and, on each occasion, allowed the SGAT, as amended, to go into effect.²

On June 6, 2003, Qwest filed its Eleventh Amendment (Tenth Revision) to its SGAT. The revisions to the SGAT relate to Unbundled Network Elements (UNE) pricing provisions and to the application of revised UNE rates to existing interconnection agreements. Upon becoming aware that there was an error in Exhibit A to its submission, Qwest filed an errata version of Exhibit A on June 10, 2003 (Revised Exhibit A).

Revisions to UNE Pricing Provisions. Qwest notes the following changes to the UNE Pricing provisions:

- Revisions have been made to incorporate Commission-approved rates for non-recurring UNE charges in docket UM 773 and Phase III of docket UT 138. These changes reflect the May 9, 2003 compliance filing in UT 138 and the revised compliance filing on June 4, 2003.

¹ Order No. 00-327.

² See Orders No. 01-122, 01-721, 01-878, 01-1050, 02-145, 02-315, 02-731, 03-074, 03-150, and 03-189.

- Qwest updated rates for UNEs for which the Commission has not yet given approval, but which reflect the rates Qwest is currently proposing in Docket UM 1025.
- Qwest made “housekeeping changes” in Section 7.3.6.2.3.3, compensation for ISP-bound traffic, to “better align the SGAT with the intent of the *FCC Order on Intercarrier Compensation for ISP-Bound Traffic* at p. 37, ¶ 78. Qwest asks the Commission to allow this amended SGAT, to go into effect on August 5, 2003.
- Qwest also notes “housekeeping “ changes in Exhibit A, including resale section (6.1), the 17 percent wholesale discount applicable to non-recurring charges, to clarify that the discount applies to such charges as well as to recurring charges. Qwest also notes that it has updated the list of features in Section 9.11.2 to reflect all features that are currently available. Finally, Qwest notes the updated prices for pole attachments and innerduct in Sections 10.8.11 and 10.8.12 to reflect 2002 cost studies per Federal Communications Commission (FCC) guidelines.

Application of Revised UNE Rates to Existing Interconnection

Agreements. Qwest notes that its Eighth Amendment (Seventh Revision) SGAT expressed its intention to apply the new lower UNE rates filed at that time to existing interconnection agreements effective January 22, 2003, and that it would charge those rates until the Commission established different rates in a cost docket or other proceeding. This Eleventh Amendment (Tenth Revision) addresses that commitment in the following ways:

- Applying the lower UNE rates resulting from dockets UM 773 and UT 138.
- Where no new rate was established by the Commission, the rates reduced in the Seventh Revision will remain in effect.
- Qwest is updating TELRIC rates for UNEs now proposed in pending Docket UM 1025. Qwest will not charge existing Oregon customers the higher rates until the new rates in docket UM 1025 are approved by the Commission or one of the other conditions for a rate change is met.
- Qwest will apply all of the rates set forth in Revised Exhibit A to those Oregon CLECs who adopt or opt into the Eleventh Amendment (Tenth Revision) SGAT.

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 eleventh amendment to the SGAT is not unexpected. As we first noted in Order No. 00-327, “[t]he SGAT will likely undergo considerable revision * * * and, once in effect, changes to the SGAT document may

become cumbersome. It is conceivable that 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 tenth 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.

Since our approval of the tenth amended SGAT, the FCC has approved Qwest’s Section 271 application for Oregon. However, the FCC has also announced, but has yet to release, the text of its order in Docket No. CC 01-338 (the Triennial Review). Proceedings undertaken pursuant to that order will have a direct impact on numerous sections of the SGAT. We will schedule further proceedings in this docket 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 after we have completed state proceedings required by that FCC order. 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.

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 June 6, 2003 as revised on June 10, 2003, in accordance with Section 252(f) of the Telecommunications Act of 1996, is permitted to go into effect as of August 5, 2003.

Made, entered, and effective _____.

Roy Hemmingway
Chairman

Lee Beyer
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.