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**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

ARB 532  
ARB 532(1)

In the Matter of )  
)  
MARATHON COMMUNICATIONS INC and )  
VERIZON NORTHWEST INC., )  
)  
Negotiated Interconnection Agreement and )  
First Amendment to the Interconnection )  
Agreement, Submitted for Commission )  
Approval Pursuant to Section 252(e) of the )  
Telecommunications Act of 1996. )

ORDER

DISPOSITION: AGREEMENT AND AMENDMENT APPROVED

On February 27 and March 9, 2004, Marathon Communications Inc. and Verizon Northwest Inc. filed a negotiated interconnection agreement and a First Amendment to the Interconnection Agreement, respectively, with the Public Utility Commission of Oregon (Commission). The parties seek approval of this agreement and amendment under Section 252(e) of the Telecommunications Act of 1996. The Commission provided notice by posting an electronic copy of the agreement and amendment on the World Wide Web, at: <http://www.puc.state.or.us/caragmnt/>. 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.

An interconnection agreement or amendment thereto has no effect or force until approved by a state Commission. *See* 47 U.S.C. Sections 252 (a) and (e). Accordingly, the effective date of these filings will be the date the Commission signs an order approving them, and any provision stating that the parties' agreement or amendment is effective prior to that date is not enforceable.

Staff recommended approval of the agreement and amendment. Staff also cautions all parties to interconnection agreements to file agreements and amendments

immediately after final signature and within a reasonable time period relative to the stated effective date. Staff concluded that the agreement and amendment themselves do not appear to discriminate against telecommunications carriers who are not parties to the agreement and amendment and do not appear to be inconsistent with the public interest, convenience, and necessity.

**OPINION**

The Commission adopts Staff’s recommendations and concludes that there is no basis under the Act to reject the agreement or the amendment. No participant in the proceeding has requested that the agreement or the amendment be rejected or has presented any reason for rejection. Accordingly, the agreement and amendment should be approved.

**CONCLUSIONS**

1. There is no basis for finding that the agreement and amendment discriminate against any telecommunications carriers who are not parties to the agreement and amendment.
2. There is no basis for finding that implementation of the agreement or amendment is not consistent with the public interest, convenience, and necessity.
3. The agreement and amendment should be approved.

**ORDER**

IT IS ORDERED that the agreement and amendment between Marathon Communications Inc. and Verizon Northwest Inc., are approved.

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

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**Lee Sparling**  
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.