



Qwest also submits revisions to Exhibit K, the QPAP, “to reflect changes from the July 1, 2004 filing of an updated Exhibit B that took effect pursuant to 47 U.S.C. §252(f)(3) sixty days later.”<sup>4</sup>

In the Notice and Motion, Qwest refers to, and calls the “Stipulation” a document captioned Settlement of Disputed Issues, which was filed in Docket No. UT-043007 before the Washington State Utilities and Transportation Commission. A copy of the Stipulation is appended to the Notice and Motion. According to Qwest, the Stipulation covers “(1) standards for line splitting, (2) potential loop splitting reporting, (3) xDSL-l capable loops, (4) an aggregate payment report, and (5) the PO-20 PID. Qwest intends that the terms and conditions of the Stipulation be made available to and benefit all CLECs that opt-in to the QPAP in its local service region and, accordingly, makes this filing to effectuate the Stipulation.”<sup>5</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 seventeenth revision 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.”

After our approval of the tenth amended SGAT, the Federal Communications Commission (FCC) approved Qwest’s Section 271 application for Oregon. However, on August 21, 2003, the FCC released the text of its order in docket No. CC 01-338 (the Triennial Review or TRO). On March 2, 2004, the U.S. Court of Appeals for the District of Columbia Circuit reversed and remanded a significant portion of the FCC’s TRO order. The FCC placed interim rules into effect on August 20, 2004, and has indicated that it will have final rules designed to comply with the Court’s order by year’s end.

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 once the legal uncertainties surrounding these issues and the applicable FCC rules have been resolved. 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. As with the original SGAT submission and the first through sixteenth revisions, we neither endorse nor approve of the substance of this new revision, while, at the same time, we allow the revision to take effect.

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<sup>4</sup> *Id.*, p. 1, citing Order No. 04-482, entered August 19, 2004, in this docket.

<sup>5</sup> *Id.*, p. 2.

**ORDER**

IT IS ORDERED that pursuant to OAR 860-016-0040(2), the seventeenth revision to the Statement of Generally Available Terms filed by Qwest Corporation on September 15, 2004, in accordance with Section 252(f) of the Telecommunications Act of 1996, is permitted to go into effect as of November 14, 2004. Existing interconnection agreements are not affected by this Order.

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

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**Lee Beyer**  
Chairman

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**John Savage**  
Commissioner

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**Ray Baum**  
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.