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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 628
ARB 628(1)

In the Matter of)	
)	
CAL-ORE TELEPHONE CO. and QWEST)	
CORPORATION,)	ORDER
)	
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.)	

DISPOSITION: AGREEMENT AND AMENDMENT APPROVED

Cal-Ore Telephone Co. and Qwest Corporation filed a negotiated interconnection agreement and a first amendment to the Interconnection Agreement, on September 23 and 28, 2004, 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.

The parties stated the agreement is a Statement of Generally Accepted Terms (SGAT). The terms and conditions of the agreement may be similar to the SGAT currently under review; however, at this time there is no approved SGAT on file with the Commission. As such, the agreement has been processed as a negotiated agreement.

Staff recommended approval of the agreement and amendment.¹ 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.

¹ Staff initially filed comments recommending the Commission reject the first amendment to the agreement on September 22, 2004. On November 5, 2004, Qwest responded to Staff's comments. On November 24, 2004, Staff filed a reply to Qwest's response to the rejection, concluding that the amendment should be approved and that Staff's previous comments were incorrect.

ORDER

IT IS ORDERED that the agreement and amendment between Cal-Ore Telephone Co. and Qwest Corporation, are approved.

Made, entered, and effective _____.

Michael Grant

Chief Administrative Law Judge
Administrative Hearings Division

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.