

**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
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**DISPOSITION: EIGHTEENTH 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, the Public Utility Commission of Oregon (Commission) allowed the filing to go into effect and ordered that its substance be reviewed in proceedings in docket UM 823.<sup>1</sup>

Qwest subsequently filed numerous revisions to its SGAT. To date, we have reviewed seventeen revisions and, on each occasion, allowed the SGAT, as amended, to go into effect.<sup>2</sup>

On November 24, 2004, Qwest filed its Eighteenth Revision to its SGAT and a document captioned as follows: "Qwest Corporation's Notice of Eighteenth Revision of Statement of Generally Available Terms and Conditions and Statement of Compliance (Regarding Modifications to Exhibit B of the SGAT and Motion to Modify the Qwest Performance Assurance Plan Found in Exhibit K to the SGAT)" (Notice and Motion). At its regularly scheduled Public Meeting held January 4, 2005, the Commission considered the Notice and Motion and adopted Staff's Recommendation.

According to Qwest, the parties to the Arizona First Six-Month Review of the Qwest Performance Assurance Plan (QPAP) reached a stipulation applicable to each of the 14 states within Qwest's local service region. Pursuant to that stipulation, which Qwest attached

<sup>1</sup> Order No. 00-327.

<sup>2</sup> See Orders No. 01-122, 01-721, 01-878, 01-1050, 02-145, 02-315, 02-731, 03-074, 03-150, 03-189, 03-410, 03-572, 03-665, 03-753, 04-208, 04-380, 04-482 and 04-700.

to the Notice and Motion, Qwest has submitted an updated Exhibit to the SGAT, comprised of Version 8.1, the Performance Indicator Definitions (PIDs). Qwest states that it “intends that the terms of the Arizona Stipulation be available to and benefit CLECs that opt-in to the QPAP in its local service region.”<sup>3</sup>

Qwest also submits revisions to Exhibit K, the QPAP, “to reflect changes from PID Version 8.1.”<sup>4</sup> The changes effectuated by the stipulation include modification of PID OP-5B. According to Qwest, the parties agreed to apply a 96.5 percent benchmark standard to all products reported in PID-OP-5B, except for three product disaggregations which will remain diagnostic: frame relay, sub-loop unbundling and dark fiber. In addition, the stipulation sets forth the conditions under which “low volume treatment” would apply.<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 eighteenth 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 adopted new rules on December 15, 2004. The text of the order adopting the rules has yet to be released.

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 seventeenth 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>3</sup> Notice and Motion, p. 1.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*, pp. 2-3.

**ORDER**

IT IS ORDERED that pursuant to OAR 860-016-0040(2), the eighteenth revision to the Statement of Generally Available Terms filed by Qwest Corporation on November 24, 2004, in accordance with Section 252(f) of the Telecommunications Act of 1996, is permitted to go into effect as of January 4, 2005. 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.