

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 654(2 & 3)

In the Matter of)	
)	
VYCERA COMMUNICATIONS, INC.,)	
and QWEST CORPORATION,)	ORDER
)	
Second and Third Amendments to the)	
Interconnection Agreement, Submitted)	
for Commission Approval Pursuant to)	
Section 252(e) of the Telecommunications)	
Act of 1996.)	

DISPOSITION: REVISED SECOND AMENDMENT AND THIRD AMENDMENT APPROVED

On June 28, and August 4, 2005, Vycera Communications, Inc., and Qwest Corporation filed second and third amendments, respectively, to the interconnection agreement and subsequent amendment previously approved by the Public Utility Commission of Oregon (Commission) by Orders No. 05-195 and 05-617. The parties filed a revised version of the second amendment on August 4, 2005.¹ The parties seek approval of the 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.

The original second amendment filing referred to an “approved” SGAT. The Commission does not approve the SGAT filings. There is no approved SGAT on file in Oregon. Stating that the terms in the amendments rely on a Commission approved SGAT is incorrect. Failing to state which version of the SGAT the amendment refers to

¹ The Commission will use the filing date of the revised filing for the purposes of the 90-days review period under Section 252 of the Telecommunications Act. Thus, the order due date is November 2, 2005.

leaves it ambiguous as to what the terms of the amendment actually are. Staff could not recommend approval of the amendment as such, and had a telephone conference with the parties. After that discussion, a revised version of the second amendment was filed with the Commission. The revised version removes the incorrect statement, and specifically states the version of the SGAT that applies to the amendment.

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' amendments are effective prior to that date is not enforceable.

Staff recommended approval of both amendments. Staff concluded that the amendments to the previously approved agreement do not appear to discriminate against telecommunications carriers who are not parties to the agreement and do not appear to be inconsistent with the public interest, convenience, and necessity.

OPINION

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


CONCLUSIONS

1. There is no basis for finding that the amendments to the previously approved agreement discriminate against any telecommunications carrier not a party to the agreement.
2. There is no basis for finding that implementation of the amended agreement is not consistent with the public interest, convenience, and necessity.
3. The amendments should be approved.

ORDER

IT IS ORDERED that the amendments to the previously approved agreement between Vycera Communications, Inc., and Qwest Corporation are approved.

Made, entered, and effective OCT 04 2005.



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.