

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 584

In the Matter of)	
)	
COVAD COMMUNICATIONS)	ORDER
COMPANY)	
)	
Petition for Arbitration of an Interconnection)	
Agreement with Qwest Corporation.)	

DISPOSITION: INTERCONNECTION AGREEMENT APPROVED

Procedural History

On July 9, 2004, Covad Communications Company (Covad) filed a petition with the Public Utility Commission of Oregon (Commission) requesting arbitration of an interconnection agreement (ICA) with Qwest Corporation (Qwest) pursuant to the Telecommunications Act of 1996¹ (the Act). Qwest responded to the petition on August 2, 2004, and Covad filed a Reply on August 18, 2004. The following day Qwest filed a Motion to Strike the Covad Reply. A prehearing conference was held on September 8, 2004, and, at the request of the parties, the Arbitrator held his ruling in abeyance until such time as a party requested a ruling. A procedural schedule was adopted, and Protective Order No. 04-507 was entered on September 9, 2004.

On September 16, 2004, Qwest filed a Motion to Dismiss Portions of Covad’s Petition for Arbitration. Covad filed its Response on September 30, 2004, and Qwest filed a Reply on October 7, 2004. A telephone conference was held on October 18, 2004, and, pursuant to a request of the parties, the Arbitrator withheld ruling on the Motion. On February 25, 2005, the parties filed direct testimony. On March 18, 2005, the parties jointly moved to waive hearing. On March 22, 2005, the Arbitrator granted the motion. The parties filed rebuttal testimony on March 23, 2005.

The parties filed a Joint Disputed Issues List on April 6, 2005. Initial Briefs were filed by the parties on April 29, 2005, and Reply Briefs were filed on May 13, 2005. The Arbitrator issued his decision in this proceeding on August 11, 2005. No exceptions to the Arbitrator’s decision were timely filed by either party.

¹ Covad initiated negotiations with Qwest by letter dated January 31, 2003. The parties extended their negotiations by mutual agreement. The petition was timely filed.

By Order No. 05-980, entered September 6, 2005, the Commission adopted the Arbitrator's Decision, including the following ordering clause:

2. Qwest and Covad shall submit an interconnection agreement consistent with the terms of the Arbitrator's Decision within 30 days of the date of this Order.

On October 20, 2005, Qwest and Covad filed a Motion requesting an extension of time in which to file the interconnection agreement consistent with the terms of the Arbitrator's Decision. By Ruling of October 24, 2005, the ALJ granted the parties' request. On November 3, 2005, Qwest and Covad filed a fully executed Interconnection Agreement with the Commission.

Commission Decision

Upon reviewing the record in this case, pursuant to Section 252(e)(1) and (2) of the Act, we find that the Agreement between Qwest Corporation and Covad Communications Company does not discriminate against telecommunications carriers who are not parties to the Agreement. We further find that the Agreement is not inconsistent with the public interest, convenience and necessity.


ORDER

IT IS ORDERED that the Interconnection Agreement between Qwest Corporation and Covad Communications Company is APPROVED.

Made, entered and effective DEC 05 2005.

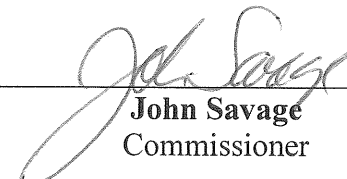


Lee Beyer
Chairman



Ray Baum
Commissioner





John Savage
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.