

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 519(1 & 2)

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

DISPOSITION: AMENDMENTS APPROVED

On December 21, 2004, and February 1, 2005, respectively, ACN Communications Services, Inc., and Qwest Corporation (Qwest) filed first and second amendments to the interconnection agreement¹ previously approved by the Public Utility Commission of Oregon (Commission) in Order No. 04-045.² 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/>.

Under the Act, the Commission must approve or reject an agreement or amendment thereto 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.

¹ Qwest included a letter and attachment with the ARB 519(2) filing. The attachment is captioned "Agreement Filing Under Protest and with Reservation of Rights." These documents inform the Commission that Qwest is filing the Qwest Platform Plus (QPP) portion of the ARB 519(2) amendments under protest.

² The Commission took official notice of the first amendment, ARB 519(1), previously filed on December 21, 2004, and suspended the pending review of that filing. The Commission consolidated that prior filing with the present filing for its review under Section 252 of the Telecommunications Act. Also, the Commission used the filing date of the present filing for purpose of the 90-day review period, and extended the comment due date to 45 days.

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 this filing will be the date the Commission signs an order approving it, and any provision stating that the parties' amendment is effective prior to that date is not enforceable.

These amendments are nearly identical to a recent filing amending the ARB 6 interconnection agreement between Qwest and MCImetro Access Transmission Services, LLC (MCI). In that proceeding, the Commission determined that the QPP agreement was an interconnection agreement subject to filing obligations under Section 252 of the Act. *See* Order No. 04-661. The Commission subsequently approved both the QPP agreement and the Batch Hot Cut Amendment, which the parties had filed simultaneously. *See* Order No. 05-103. Because the present amendments in this docket are virtually the same as that approved in ARB 6, Staff recommends approval of the ARB 519(1 & 2) amendments.

OPINION

The Commission concludes that the amendments to the 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. Accordingly, the amendments should be approved.

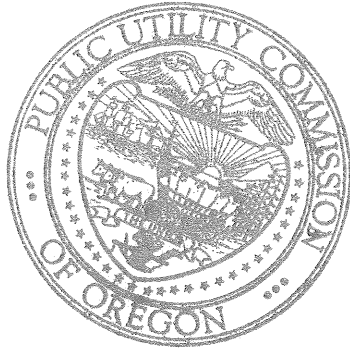
CONCLUSIONS

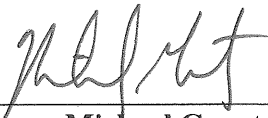
1. There is no basis for finding that the amendments to the previously approved agreement discriminate against any telecommunications carrier who is not a party to the agreement.
2. There is no basis for finding that implementation of the amended agreement is not consistent with the public interest,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

ORDER

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

Made, entered, and effective APR 14 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.