

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

ARB 563(1 & 3)

In the Matter of	)	
	)	
1-800-RECONEX, INC., dba USTEL	)	ORDER
and QWEST CORPORATION	)	
	)	
First and Third Amendments to	)	
Interconnection Agreement, Submitted	)	
for Commission Approval Pursuant to	)	
Section 252(e) of the Telecommunications	)	
Act of 1996.	)	

**DISPOSITION: AMENDMENTS APPROVED**

On January 19 and February 1, 2005, respectively, 1-800-Reconex, Inc., dba USTel and Qwest Corporation (Qwest) filed first and third amendments to the interconnection agreement and amendment<sup>1</sup> previously approved by the Public Utility Commission of Oregon (Commission) in Orders No. 04-524 and 05-174.<sup>2</sup> The parties seek approval of the amendments 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.

<sup>1</sup> The Commission took official notice of the first amendment, ARB 563(1), filed on January 19, 2005, and suspended review of that file in order to consolidate it 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 purposes of the 90-days review period, and extended the comment due date to 45 days.

<sup>2</sup> Qwest included a letter and attachment with the ARB 444(4) filing. The attachment is captioned "Agreement Filing Under Protest and With Reservations of Rights." These documents inform the Commission that Qwest is filing the Qwest Platform Plus (QPP) portion of the ARB 444(4) amendment under protest.

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

These amendments are nearly identical to 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 563(1 & 3) 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 does not appear to be inconsistent with the public interest, convenience, and necessity. Accordingly, the amendments should be approved.

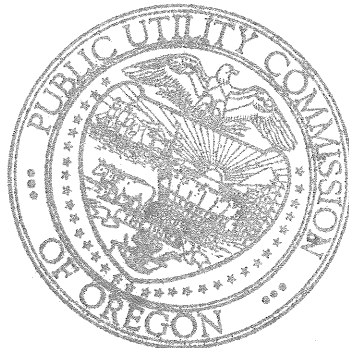
### **CONCLUSIONS**

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 1-800-Reconex, Inc., dba USTel and Qwest Corporation are approved.

Made, entered, and effective APR 29 2005.



A handwritten signature in black ink, appearing to read "Michael Grant", is written over a horizontal line.

**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.