

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 215(3)

In the Matter)	
)	
RCC HOLDING, INC., and VERIZON)	
NORTHWEST INC.,)	ORDER
)	
Third Amendment to the Interconnection)	
Agreement, Submitted for Commission)	
Approval Pursuant to Section 252(e) of the)	
Telecommunications Act of 1996.)	

DISPOSITION: AMENDMENT APPROVED

On May 4, 2005, RCC Holding, Inc., and Verizon Northwest Inc. (Verizon) filed a third amendment to the interconnection agreement previously acknowledged by the Public Utility Commission of Oregon (Commission), recognizing the adoption of ARB 180 terms. Subsequent amendments were approved with Orders No. 01-693 and 02-242. The parties seek approval of the current amendment under Section 252(e) of the Telecommunications Act of 1996. The Commission provided notice by posting an electronic copy of the 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.

Staff noted that the parties state the agreement has a May 16, 2003, effective date. This date is two years prior to filing the agreement and prior to the Commission approving the agreement. The amendment was put in place in order to meet the Federal Communications Commission deadline regarding E911 service availability. Verizon indicated to staff that during a cross check of its interconnection agreements, it discovered the amendment had not been filed with the Commission. Staff reminds all parties that interconnection agreements and changes thereto should be filed as close as possible to the date of actual change in order to avoid being discriminatory in appearance.

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.

Staff recommended approval of the amendment. Staff concluded that the amendment to the previously acknowledged agreement does 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.

OPINION

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

CONCLUSIONS

1. There is no basis for finding that the amendment to the previously acknowledged agreement discriminates 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 amendment should be approved.

ORDER

IT IS ORDERED that the amendment to the previously acknowledged agreement between RCC Holdings, Inc., and Verizon Northwest Inc. is approved.

Made, entered, and effective JUL 27 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.