

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 662

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| In the Matter of |) | |
| |) | |
| OREGON RSA NUMBER 2 LIMITED |) | |
| PARTNERSHIP and MALHEUR HOME |) | ORDER |
| TELEPHONE COMPANY, |) | |
| |) | |
| Negotiated Interconnection Agreement, |) | |
| Submitted for Commission Approval Pursuant |) | |
| to Section 252(e) of the Telecommunications |) | |
| Act of 1996. |) | |

DISPOSITION: AGREEMENT APPROVED

On May 20, 2005, Oregon RSA Number 2 Limited Partnership and Malheur Home Telephone Company filed a negotiated interconnection agreement with the Public Utility Commission of Oregon (Commission). The parties seek approval of this agreement under Section 252(e) of the Telecommunications Act of 1996. The Commission provided notice by posting an electronic copy of the agreement 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.

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' agreement or amendment is effective prior to that date is not enforceable.

Section 2.2 of the agreement includes language regarding dispute resolution. Within that paragraph it states: "...the Parties agree that the first matter to be resolved during Dispute Resolution will be the implementation of an interim operating agreement between the Parties regarding the disputed issues, to be effective during the pendency of Dispute

Resolution.” The section does not include any reference to the interim agreement being filed with the Commission. Changes of this nature must be filed with the Commission. If the parties desire to implement an interim operating agreement under Section 2.2 of the current agreement, the parties must file the interim operating agreement for Commission approval in accordance with Section 252 of the Act and the Commission’s Division 16 rules.

Staff recommended approval of the agreement. Staff also cautions all parties to interconnection agreements to file agreements and amendments immediately after final signature and within a reasonable time period relative to the stated effective date. Staff concluded that the 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 recommendations and concludes that there is no basis under the Act to reject the agreement. No participant in the proceeding has requested that the agreement be rejected or has presented any reason for rejection. Accordingly, the agreement should be approved.

CONCLUSIONS

1. There is no basis for finding that the agreement discriminates against any telecommunications carriers who are not parties to the agreement.
2. There is no basis for finding that implementation of the agreement is not consistent with the public interest, convenience, and necessity.
3. The agreement should be approved.

ORDER

IT IS ORDERED that the agreement between Oregon RSA Number 2 Limited Partnership and Malheur Home Telephone Company is approved.

Made, entered, and effective AUG 15 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.