

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 637(4)

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

DISPOSITION: AMENDMENT REJECTED

On June 15, 2005, Verizon Northwest Inc. and Qwest Corporation filed a fourth amendment¹ to the interconnection agreement and subsequent amendment previously approved by the Public Utility Commission of Oregon (Commission) in Orders No. 05-038, 05-095 and 05-197. 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/>. 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 this filing(s) 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.

¹ The Commission extended the comment due date to July 13, 2005, 21 days from the docketed process date of June 22, 2005.

Staff had a telephone conference with Qwest on July 15, 2005, to discuss questionable language contained within this filing and several others that were filed close to the same time. The language in question referred to an “approved” SGAT and also did not refer to a specific version of the SGAT the amendments were based on.

The Commission does not approve the SGAT filings. There is no approved SGAT on file in Oregon. Stating that the terms in the amendments rely on a Commission approved SGAT is incorrect. Failing to state which version of the SGAT the amendment refers to leaves it ambiguous as to what the terms of the amendment actually are. It is not in the public interest to approve incorrect or ambiguous terms in an interconnection agreement.

At the meeting, the parties agreed to file replacement sheets to the original filing within two weeks. The comment due date was adjusted for this delay. Attempts to have the replacement sheets filed have failed, and Staff recommends rejecting the original amendment as filed.

OPINION

The Commission adopts Staff’s recommendation and concludes that there is a basis under the Act to reject the amendment to the previously approved agreement. Accordingly, the amendment should be rejected.

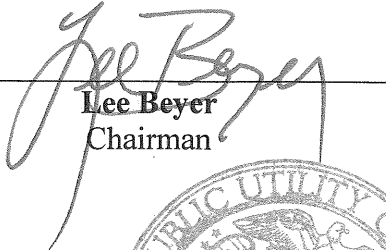
CONCLUSIONS

1. There is a basis for finding that the amendment to the previously approved agreement discriminates against any telecommunications carrier not a party to the agreement.
2. There is a basis for finding that implementation of the amended agreement is not consistent with the public interest, convenience, and necessity.
3. The amendment should be rejected.

ORDER

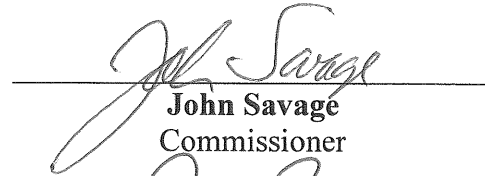
IT IS ORDERED that the amendment to the previously approved agreement between Verizon Northwest Inc. and Qwest Corporation is rejected.

Made, entered, and effective SEP 12 2005.




Lee Beyer
Chairman





John Savage
Commissioner



Ray Baum
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.