

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

ARB 132(17)

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

**DISPOSITION: AMENDMENT APPROVED**

On January 20, 2006, OneEighty Networks, Inc. and Qwest Corporation filed a seventeenth amendment to the interconnection agreement and subsequent amendments previously approved by the Public Utility Commission of Oregon (Commission) in Orders No. 99-377, 99-526, 01-517, 01-589, 02-618, 03-299, 04-058, 04-268, 04-465, 04-551, 04-709, 05-112, 05-113, and 05-167. 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 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' agreement is effective prior to that date is not enforceable.

The amendment noted that Qwest would back bill the rates in the amendment to March 11, 2005. This gives the appearance of backdating the amendment. A backdated amendment would appear to be discriminatory since the amendment may only be adopted on a going-forward basis.

The amendment recognizes and implements the Federal Communications Commission's (FCC) Triennial Review and Remand Order (TRRO). The effective date of the TRRO is March 11, 2005. The rates listed in the amendment are designated as transition rates. The TRRO contains provisions for transitioning the rate changes required by the order and sets a timeframe for implementing those changes. The transition period is still in effect. All companies are under the same rules and obligations with regard to the transition period thus removing the discrimination factor. Staff believes the amendment is consistent with the provisions within the TRRO.

Staff recommends approval of the amendment. Staff concludes that the amendment to the previously approved 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 approved 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.

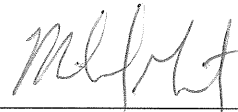
#### **CONCLUSIONS**

1. There is no basis for finding that the amendment to the previously approved 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 approved agreements between OneEighty Network, Inc. and Qwest Corporation is approved.

Made, entered, and effective FEB 24 2006



**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.