

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

ARB 26(3)

In the Matter of	)	
	)	
QWEST CORPORATION 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 April 14, 2006, Qwest Corporation (Qwest) and Verizon Northwest Inc., (Verizon) filed a third amendment<sup>1</sup> to the interconnection agreement and subsequent amendments previously approved by the Public Utility Commission by Orders No. 97-343, 98-235, and 99-224. 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 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.

<sup>1</sup> The Commission extended the comment due date to May 19, 2006, 21 days from the docketed process date of April 28, 2006.

Qwest and Verizon have a second interconnection agreement separately docketed as ARB 637. This is an unusual situation. Normally there is only one agreement in effect at a time for any two parties. Staff contacted Qwest and Verizon to inquire why the parties entered into two agreements. The parties indicated that the separate agreements deal with separate aspects of their relationship as incumbent local exchange carriers (ILEC) and as competitive local exchange carriers (CLEC). The parties entered into ARB 26 to address the exchange of local traffic between the two parties in their ILEC capacity. Qwest and Verizon entered into the ARB 637 agreement to address the exchange of local traffic resale, unbundled network elements, collocation, and similar matters when Verizon acts as an ILEC and Qwest acts as a CLEC. Both parties submitted a statement indicating that this arrangement has been in use for some time and there have been no disagreements regarding how the terms apply in specific situations. While it may be somewhat unusual to have more than one agreement docketed between two parties, it is not unlawful, discriminatory, or necessarily inconsistent with the public interest.

Staff recommended approval of the amendment. Staff concluded 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 agreement between Qwest Corporation and Verizon Northwest Inc., is approved.

Made, entered, and effective JUN 23 2006.



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.