

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 671

In the Matter of QWEST CORPORATION's)
Petition for Arbitration of Interconnection)
Rates, Terms, Conditions, and Related) ORDER
Arrangements with UNIVERSAL TELE-)
COMMUNICATIONS, INC.)

DISPOSITION: INTERCONNECTION AGREEMENT APPROVED

Procedural Background. On April 19, 2006, the Commission entered Order No. 06-190 (Order) adopting, with modifications, the Arbitrator's Decision issued February 2, 2006. In that Order, we found that "The Arbitrator was also correct to conclude that VNXX arrangements are prohibited in Oregon.... This Commission cannot approve an interconnection agreement that allows parties to participate in an illegal arrangement, regardless of their mutual enthusiasm for doing so."¹ Paragraph 2 of the ordering clause required that the parties file a compliant Interconnection Agreement (Agreement) within 30 days of the date of the order.²

On May 5, 2006, pursuant to ORS 183.482(3)(a)(A) and (B), Universal Telecommunications, Inc. (Universal), filed a Request for Reconsideration of Order No. 06-190 (Request), and a Request for Stay pending that reconsideration. Subsection (3)(a)(A) requires a showing of irreparable injury to the Petitioner. On May 12, 2006, by Order No. 06-299, we granted a stay of our Order No. 06-190 requiring the parties to file an Agreement complying with the terms of the Arbitrator's Decision as modified pending the issuance of a Final Order on Reconsideration in this proceeding. In so doing, we acknowledged Universal's assertion that it would suffer irreparable injury because it would be forced to cease operation. We further found that no substantial public harm would result from granting the stay.

On May 22, 2006, Qwest filed a Response to Universal Telecom, Inc.'s Request for Reconsideration (Response). After obtaining permission from the Arbitrator for leave to file an additional pleading, Universal filed a Reply to Qwest Corporation's Response to Universal Telecom, Inc.'s Request for Reconsideration (Reply). Pursuant to an agreement by the parties on a telephone conference held on Monday, June 12, 2006, subsequent pleadings filed by the parties were to be disregarded by the Commission in its deliberations on the Reconsideration Request.

¹ Order, p. 7.

² On May 12, 2006, Qwest filed a letter stating that it would submit an Interconnection Agreement that Qwest alone had executed. After the issuance of Order No. 06-190, Qwest asserted that such filing was "for informational purposes only."

The Commission did not issue an Order upon the Universal Request for Reconsideration within the time frame specified in OAR 860-014-0095(6). Thus, the Request was denied as a matter of law. On July 25, 2006, the parties filed a fully executed Agreement in accordance with the Arbitrator's Decision as modified by the Commission in Order No. 06-190.

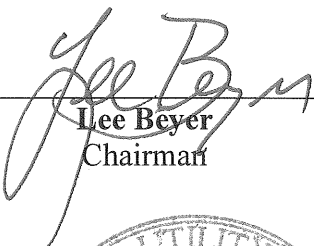
Section 252 (e)(1) of the Telecommunications Act of 1996 (the Act) requires that any Interconnection Agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. Section 252 (e)(2)(B) provides that the State commission may reject the Agreement (or any portion thereof) adopted by arbitration only "if it finds that the agreement does not meet the requirements of section 251 including the regulations prescribed by the Commission pursuant to section 251, or the standards set forth in subsection (d) of this section."

Commission Decision. The Commission concludes that the Agreement comports with the requirements of the Act; the Federal Communications Rules, where applicable; and relevant state laws and regulations, and should be approved.


ORDER

IT IS ORDERED that the Interconnection Agreement between Qwest Corporation and Universal Telecommunications, Inc., is APPROVED.

Made, entered and effective AUG 22 2006.




Lee Beyer
Chairman



Ray Baum
Commissioner





John Savage
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.