

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 771

In the Matter of)	
)	
QWEST CORPORATION)	
)	ORDER
2006 Special Promotion Submitted for)	
Commission Approval Pursuant to)	
OAR 860-016-0021.)	

DISPOSITION: PROMOTION APPROVED

On October 5, 2006, Qwest Corporation (Qwest) filed a wholesale promotion for approval by the Public Utility Commission of Oregon (Commission). The promotion will be used for future amendments to previously approved interconnection agreements. Qwest seeks approval of the wholesale promotion under OAR 860-016-0021. 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.

At the outset, Staff notes that Qwest’s filing is untimely. Under OAR 860-016-0021(1), Qwest was to provide the Commission and other telecommunications carriers notice of the promotion at least 30 days prior to the effective date of the promotion. Qwest made its filing on October 5, 2006, several days after the proposed October 1, 2006, effective date stated in the promotion.

Despite the untimeliness of the filing, Staff recommends the promotional agreement be approved. Staff recommends, however, that the effective date of the promotion be the date of Commission approval, not October 1, 2006. Staff points out 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).

OPINION

The Commission concurs with Staff’s recommendation and concludes that the promotion does not appear to discriminate against telecommunications carriers who would not be parties to an amendment filed under the promotion, and does not appear to be inconsistent with the public interest, convenience, and necessity. Accordingly, the promotion should be approved.

The Commission makes clear that the effective date of this promotional filing will be the date the Commission signs this order approving it, and that any provision stating that the parties' agreement is effective prior to that date is not enforceable. The Commission also cautions Qwest to make certain that future promotional interconnection agreements are filed in compliance with the current OAR 860-0016-0021.

If a carrier accepts the promotional offering, the parties must file an amendment to an existing carrier-to-carrier agreement. The amendment is subject to Commission approval pursuant to the standards set forth in OAR 860-016-0020 and Section 252(e) of the Telecommunications Act of 1996.

CONCLUSIONS

1. There is no basis for finding that the promotion discriminates against telecommunications carriers who would not be parties to an amendment filed under the promotion.
2. There is no basis for finding that acknowledgement of the promotion is not consistent with the public interest, convenience, and necessity.
3. The promotion should be approved.

ORDER

IT IS ORDERED that the promotion filed by Qwest Corporation is approved.

OCT 23 2006

Made, entered, and effective _____.



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.