

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 765
ARB 765(1) & (2)

In the Matter of)
)
AIRPEAK COMMUNICATIONS, LLC and)
VERIZON NORTHWEST INC.,)
)
Negotiated Interconnection Agreement and)
First and Second Amendments to the)
Interconnection Agreement, Submitted for)
Commission Approval Pursuant to Section)
252(e) of the Telecommunications Act of 1996.)

ORDER

DISPOSITION: AGREEMENT AND AMENDMENTS APPROVED

Airpeak Communications, LLC and Verizon Northwest Inc., filed a negotiated interconnection¹ agreement and a First and Second Amendment to the Interconnection Agreement, on September 5 and 15, 2006, respectively, with the Public Utility Commission of Oregon (Commission). The parties seek approval of this agreement and amendments 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 these filings will be the date the Commission signs an order approving them, and any provision stating that the parties' agreement or amendment is effective prior to that date is not enforceable.

¹ The Commission extended the comment due date to October 5, 2006, 21 days from the docketed process date of September 14, 2006.

Staff recommended approval of the agreement and amendments. Staff concluded that the agreement and amendments themselves do not appear to discriminate against telecommunications carriers who are not parties to the agreement and amendments and do not appear to be inconsistent with the public interest, convenience, and necessity.

OPINION

The Commission adopts Staff's recommendations and concludes that there is no basis under the Act to reject the agreement or the amendments. No participant in the proceeding has requested that the agreement or the amendments be rejected or has presented any reason for rejection. Accordingly, the agreement and amendments should be approved.

CONCLUSIONS

1. There is no basis for finding that the agreement and amendments discriminate against any telecommunications carriers who are not parties to the agreement and amendments.
2. There is no basis for finding that implementation of the agreement or amendments is not consistent with the public interest, convenience, and necessity.
3. The agreement and amendments should be approved.

ORDER

IT IS ORDERED that the agreement and amendments between Airpeak Communications, LLC and Verizon Northwest Inc. are approved.

Made, entered, and effective NOV 13 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.