

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

ARB 179(2)  
ARB 786

In the Matter of )  
 )  
PUBLIC UTILITY COMMISSION OF OREGON )  
STAFF, )  
 )  
Request to approve Negotiated Interconnection )  
Agreements and Amendments Submitted Pursuant to )  
Section 252(e) of the Telecommunications Act of 1996. )

**ORDER**

**DISPOSITION: AGREEMENTS AND AMENDMENTS APPROVED**

The Public Utility Commission of Oregon (Commission) Staff recommended approval of certain negotiated interconnection agreements and amendments submitted pursuant to Section 252(e) of the Telecommunications Act of 1996 (Act). The identification of the agreements and amendments and the basis for Staff's recommendation are set forth in a Public Meeting Report, which is attached as Appendix A and incorporated by reference.


At the February 6, 2007, Public Meeting, the Commission adopted Staff's recommendation and approved the identified agreements and amendments. The Commission Staff concluded that there is no basis under the Act to reject the agreements and amendments. Accordingly, all agreements and amendments listed in Staff report are approved, effective from the date of the public meeting.

**ORDER**

IT IS ORDERED that the agreements and amendments identified in Appendix A are approved.

Made, entered, and effective FEB 07 2007



  
\_\_\_\_\_  
**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.

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: February 6, 2007

REGULAR \_\_\_\_\_ CONSENT X EFFECTIVE DATE \_\_\_\_\_ N/A \_\_\_\_\_

DATE: January 23, 2007

TO: Public Utility Commission

FROM: Celeste Hari *CH*

THROUGH: *li* Lee Sparling, *PA* Phil Nyegaard, and *DB* David Booth

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: Request to approve Negotiated Interconnection Agreements and Amendments Submitted Pursuant to Section 252(e) of the Telecommunications Act of 1996.

**STAFF RECOMMENDATION:**

Staff recommends the Commission approve the negotiated interconnection agreements and amendments listed below.

**DISCUSSION:**

Section 252(e) of the Telecommunications Act of 1996 (Act) requires that any negotiated interconnection agreement, including amendments to an existing agreement, be submitted to a state commission for approval. Under the Act, the Commission must approve or reject such agreements 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 thereof is not consistent with the public interest, convenience, and necessity. See Section 252(e)(2).

An interconnection agreement or amendment thereto has no effect or force until

Arbitration Agreements  
January 23, 2007  
Page 2

approved by a state Commission. See 47 U.S.C. Sections 252 (a) and (e). Accordingly, the effective date of any submitted agreement 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.

Staff has reviewed the following negotiated interconnection agreements submitted for Commission approval:

<b>Docket</b>	<b>Parties to the Agreement</b>
ARB 179(2)	AboveNet Communications, Inc. fka Metromedia Fiber Network Services, Inc. and Qwest Corporation
ARB 786	Cingular Wireless LLC and Scio Mutual Telephone Association

Staff recommends approval of these agreements. Staff finds that the agreements neither discriminate against non-party telecommunications carriers nor appear to be inconsistent with the public interest, convenience, and necessity. Accordingly, Staff concludes that there is no basis under the Act to reject the agreements.

#### **PROPOSED COMMISSION MOTION:**

The negotiated interconnection agreements and amendments listed above be approved.

ARB Agreements