

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1326

In the Matter of)	
)	
QWEST CORPORATION)	
)	FINAL ORDER
Petition for Commission Approval of)	
2007 Additions to Non-Impaired Wire)	
Center List.)	

DISPOSITION: PETITION GRANTED; 2007 ADDITIONS TO NON-IMPAIRED WIRE CENTER LIST APPROVED

Procedural History. In docket UM 1251, the Public Utility Commission of Oregon (Commission) considered matters relating to future availability of certain Unbundled Network Elements (UNEs) in the provision of telecommunications services to the public and the interplay of federal and state regulation of telecommunications. That proceeding arose out of a Qwest Corporation (Qwest) petition submitting its list of non-impaired wire centers in Oregon and the objections by Covad Communications Company; Eschelon Telecom of Oregon, Inc.; Integra Telecom of Oregon, Inc.; McLEODUSA Telecommunications Services, Inc.; and XO Communications Services, Inc. (Joint CLECs), to that list and to the procedures Qwest proposed to follow under the *TRRO*,¹ for the preparation of that list and for future additions to the list.

By its Order on Reconsideration, Order No. 07-328, entered July 31, 2007, the Commission approved a Settlement Agreement among the parties resolving all of the outstanding issues. Section V of the Settlement Agreement settled Issues 2 and 3 and provided the methodology agreed upon by the Parties to determine non-impairment and tier designations, including how “business lines” and “fiber-based collocators” are calculated. Section VI of the Settlement Agreement summarized the Parties’ agreement regarding how Qwest can request Commission approval of future non-impairment designations and additions to the Initial List of Commission approved non-impaired wire centers.

¹ *In re Unbundled Access to Network Elements*, WC Docket No. 04-313, CC Docket No. 01-338, FCC No. 04-290, Order on Remand.

On June 22, 2007, Qwest filed a Petition for Commission Approval of 2007 Additions to Non-Impaired Wire Center List (Petition) and a Motion for Expedited Issuance of Protective Order. A Modified Protective Order, Order No. 07-281, was entered on June 27, 2007.

On July 12, 2007, Eschelon Telecom of Oregon, Inc. (Eschelon), filed a petition to intervene in this proceeding. On July 27, 2007, Eschelon filed a Motion for a Standing Protective Order Based on Model Order. Simultaneously, Eschelon filed an Objection to the Qwest Petition, based on the fact that the Commission had not yet approved the Settlement Agreement described above.

On July 31, 2007, Covad Communications Company; Integra Telecom of Oregon, Inc.; McLEODUSA Telecommunications Services, Inc.; and XO Communications Services, Inc., also filed petitions to intervene. The petitions to intervene filed by all of the Petitioners (Joint CLECs) were granted by Ruling of August 3, 2007.

On August 14, 2007, Qwest filed a letter in Response/Support of the substantive relief requested by Eschelon, noting that the Settlement Agreement had since been approved and that Qwest had no objection to the Joint CLECs having 30 days (until August 31, 2007) to note their objections to the 2007 Additions List.

On August 17, 2007, Administrative Law Judge Allan J. Arlow entered Order No. 07-363, granting the superseding Standing Protective Order requested by Eschelon and dismissing the Eschelon Objection as moot. None of the Joint CLECs filed objections to the 2007 Additions to Non-Impaired Wire Center List in the allotted time period.

The Qwest Petition. Qwest seeks non-impairment designations for the following wire centers:

Wire Center	CLLI Code	Non-Impairment Classification	Non-Impaired Elements
Eugene 10 th Ave.	EUGNOR53	Tier 1	DS1 and DS3 Transport; Dark Fiber; DS3 Loops
Roseburg	RSBGOR57	Tier 2	DS3 Transport; Dark Fiber
Salem Main	SALMOR58	Tier 1	DS1 and DS3 Transport; Dark Fiber; DS3 Loops

In support of its request, Qwest submitted, as Appendix 1 to its Petition, an Affidavit of Rachel Torrence, Director in the Qwest Network Policy Group of the Local Network Organization (Affidavit) and supporting confidential exhibits. The Affidavit set forth the methods used by Qwest to gather, vet and analyze the data used to determine whether the above-named wire centers met the criteria for their particular classifications, including the most recently filed ARMIS 43-08 data.²

None of the intervening parties filed testimony or comments with respect to the evidence provided by Qwest in the Affidavit and supporting confidential exhibits.

FINDINGS OF FACT

The Commission has reviewed the Petition, Affidavit and supporting confidential exhibits and finds that the proposed designations of the Eugene 10th Avenue, Roseburg and Salem Main wire centers, when analyzed in accordance with the criteria set forth in the previously approved Settlement Agreement, are supported by the record.

CONCLUSIONS OF LAW

In light of the Findings of Fact set forth above, the proposed designations of the Eugene 10th Avenue, Roseburg and Salem Main wire centers comply with the applicable federal and state statutes, rules, regulations and case law.

² Affidavit, p. 2.

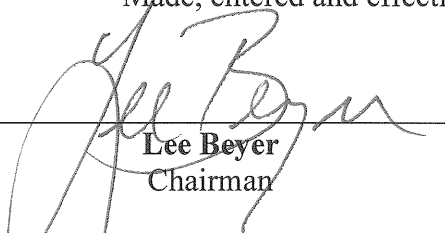
ORDER

IT IS ORDERED that:

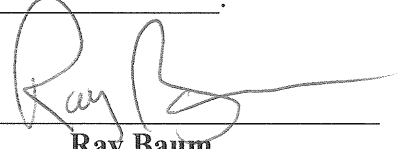
1. The Petition for Commission Approval of 2007 Additions to Non-Impaired Wire Center List is GRANTED.
2. The List of Non-Impaired Wire Centers is amended by the addition of, or changes to, the following wire centers:

Wire Center	CLLI Code	Non-Impairment Classification	Non-Impaired Elements
Eugene 10 th Ave.	EUGNOR53	Tier 1	DS1 and DS3 Transport; Dark Fiber; DS3 Loops
Roseburg	RSBGOR57	Tier 2	DS3 Transport; Dark Fiber
Salem Main	SALMOR58	Tier 1	DS1 and DS3 Transport; Dark Fiber; DS3 Loops


Made, entered and effective SEP 18 2007



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 by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.