

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

ARB 818, ARB 649(5)

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

**DISPOSITION: AGREEMENTS AND AMENDMENTS APPROVED**

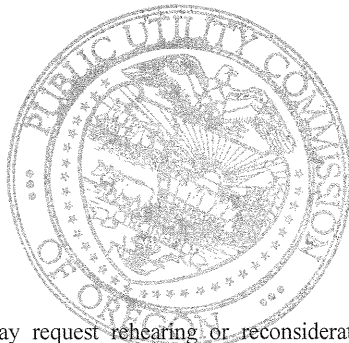
The Public Utility Commission of Oregon (Commission) Staff recommended approval of certain negotiated interconnection agreements and amendments submitted pursuant to Section 252(e) of the Telecommunications Act of 1996 (Act). The identification of the agreements and amendments and the basis for Staff's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

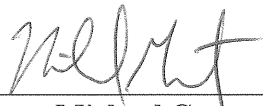
At the December 4, 2007, Public Meeting, the Commission adopted Staff's recommendation and approved the identified agreements and amendments. The Commission Staff concluded that there is no basis under the Act to reject the agreements and amendments. Accordingly, all agreements and amendments listed 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 DEC 06 2007.



  
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**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.

ITEM NO. CA7

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: December 4, 2007**

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

DATE: November 20, 2007

TO: Public Utility Commission

FROM: Celeste Hari *CH*

THROUGH: Lee Sparling, Dave Booth, and Kay Marinos *LB KM*

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 agreement and amendment to a previously approved negotiated interconnection agreement 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:

- (i) the agreement, or portion thereof, discriminates against a telecommunications carrier not a party to the agreement; or
- (ii) 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 approved by a state commission. See 47 U.S.C. Sections 252 (a) and (e). Accordingly, the effective date of any submitted agreement or amendment will be the date the

Arbitration Dockets  
November 20, 2007  
Page 2

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 agreement and amendment submitted for Commission approval:

<b>Docket</b>	<b>Parties to the Amendment or Agreement</b>
ARB 649(5) ARB 818	Comcast Phone of Oregon, LLC and Qwest Corporation TeleQuality Communications, Inc and United Telephone of the Northwest d/b/a Embarq

Staff would like to highlight an issue regarding ARB 649(5). This amendment is a "change of law" amendment reflecting the Federal Communications Commission's Triennial Review Remand Order (TRRO). While "change of law" amendments are allowed under the parties' interconnection agreement, they should be filed very near the effective date of the change. This amendment is filed over two years after the TRRO changes were made effective in July of 2005. Staff would like to remind the parties to file these amendments in a timelier manner in the future.

Staff recommends approval of the agreement and amendment. Staff finds that the agreement and amendment do not discriminate against non-party telecommunications carriers and do not 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 agreement and amendment.

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

The negotiated interconnection agreement and amendment to a previously approved negotiated interconnection agreement listed above be approved.

ARB Agreements