

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

ARB 509(16), ARB 884, ARB 885, ARB 886, ARB 888, ARB 889

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 an amendment submitted pursuant to Section 252(e) of the Telecommunications Act of 1996 (Act). The identification of the agreements and amendment 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.

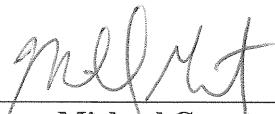
At the March 24, 2009, Public Meeting, the Commission adopted Staff's recommendation and approved the identified agreements and amendment. The Commission Staff concluded that there is no basis under the Act to reject the agreements and amendment. Accordingly, all agreements and the amendment listed in Staff's report are approved, effective from the date of the public meeting.

**ORDER**

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

Made, entered, and effective MAR 26 2009.



  
 \_\_\_\_\_  
**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. CA14

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: March 24, 2009

REGULAR  CONSENT  EFFECTIVE DATE \_\_\_\_\_

DATE: March 13, 2009

TO: Public Utility Commission

FROM: Celeste Hari *CH*

THROUGH: *in* Lee Sparling, *BAC* Bryan Conway, *LCM myBAC* Kay Marinos and *ST myBAC* Shelley Jones

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 new negotiated interconnection agreements and the amendment to a previously approved 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

ARB Agreements  
 March 13, 2009  
 Page 2

Commission approves it, and any provision stating that the parties' agreement or amendment is effective prior to that date is not enforceable.

Staff has reviewed the following agreements and amendment submitted for Commission approval:

<b>Docket</b>	<b>Parties to the Amendment or Agreement</b>
ARB 509(16)	Lightspeed Networks, Inc. dba LS Networks and Qwest Corporation
ARB 884	Coastcom, Inc and United Telephone Company of the Northwest dba Embarq
ARB 885	Smartrak Incorporated and United Telephone Company of the Northwest dba Embarq
ARB 886	DSLnet Communications, LLC and Qwest Corporation
ARB 888	AboveNet Communications, Inc. and Qwest Corporation
ARB 889	BLC Management, LLC dba Angles Communication Solutions and Qwest Corporation

Staff recommends approval of the agreement and amendment. Staff finds that the agreements 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 agreements or amendment.

**PROPOSED COMMISSION MOTION:**

The new interconnection agreements and the amendment to a previously approved agreement listed above be approved.

arb agreements March 24 09.doc