

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 302(26), ARB 882(1), ARB 891, ARB 892, ARB 893

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 April 21, 2009, 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's 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 APR 23 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.

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: April 21, 2009

REGULAR _____ CONSENT X EFFECTIVE DATE _____

DATE: April 10, 2009

TO: Public Utility Commission

FROM: Celeste Hari *CH*

THROUGH: *li* Lee Sparling, *BAC* Bryan Conway, *KM* Kay Marinos and *SJ* 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 amendments to previously approved interconnection agreements 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

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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 amendments submitted for Commission approval:

Docket	Parties to the Amendment or Agreement
ARB 302(26)	McLeodUSA Telecommunications Services, Inc. and Qwest Corporation
ARB 882(1)	Selectel Inc. and Qwest Corporation
ARB 891	Greenfly Networks, Inc. dba Clearly Communications and Qwest Corporation
ARB 892	New Cingular Wireless PCS, LLC and Colton Telephone Company
ARB 893	New Cingular Wireless PCS, LLC and Mount Angel Telephone Company

Staff recommends approval of the agreements and amendments. Staff finds that the agreements and amendments 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 amendments.

PROPOSED COMMISSION MOTION:

The new interconnection agreements and the amendments to previously approved agreements listed above be approved.

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