

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 759(2)

In the Matter of

SILVER STAR TELECOM, LLC and
QWEST CORPORATION,Second Amendment to the Interconnection
Agreement, Submitted for Commission
Approval Pursuant to Section 252(e) of the
Telecommunications Act of 1996.

ORDER

DISPOSITION: AMENDMENT APPROVED

On August 2, 2011, Silver Star Telecom, LLC and Qwest Corporation filed a second amendment to their previously approved negotiated interconnection agreement with the Public Utility Commission of Oregon (Commission). The parties seek approval of this agreement under Section 252(e) of the Telecommunications Act of 1996. The Commission provided notice by posting an electronic copy of the amendment on its website at <http://apps.puc.state.or.us/edockets/caragmnt.asp>. The Commission Staff (Staff) filed comments.

Under the Act, the Commission must approve or reject an agreement or amendment thereto reached through voluntary negotiation 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 is not consistent with the public interest, convenience, and necessity.

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 this filing will be the date the Commission signs an order approving it, and any provision stating that the parties' agreement or amendment is effective prior to that date is not enforceable.

The Commission generally approves agreements or amendments thereto reached through voluntary negotiation at its regular public meetings. This amendment should have been placed on the Consent Agenda for the October 18, 2011 Public Meeting. However, the amendment was overlooked and did not appear on the Public Meeting Agenda. Since the due date for the order for this amendment is on October 30, 2011, which is before the next regularly scheduled public meeting on November 1, 2011, Staff requests that a separate order be written approving the amendment.

Staff recommends approval of the amendment, concludes that the amendment does not appear to discriminate against telecommunications carriers who are not parties to the agreement and does not appear to be inconsistent with the public interest, convenience, and necessity.

OPINION

The Commission adopts Staff's recommendations and concludes that there is no basis under the Act to reject the amendment. No participant in the proceeding has requested that the amendment be rejected or has presented any reason for rejection. Accordingly, the amendment should be approved.

CONCLUSIONS

1. There is no basis for finding that the amendment discriminates against any telecommunications carriers who are not parties to the agreement.
2. There is no basis for finding that implementation of the amendment is not consistent with the public interest, convenience, and necessity.
3. The amendment should be approved.

ORDER

IT IS ORDERED that the amendment between Silver Star Telecom, LLC and Qwest Corporation is approved.

Made, entered, and effective OCT 25 2011.



A handwritten signature in cursive script, appearing to read "Michael Grant".

Michael Grant
 Chief Administrative Law Judge
 Administrative Hearings Division

A party may request rehearing or reconsideration of this order under 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 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order to a court pursuant to applicable law.