

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

ARB 814(3)

In the Matter of

UMPQUA TELECOM SERVICES CORP.  
dba RIO NETWORKS and QWEST  
CORPORATION,

ORDER

Third Amendment to the Interconnection  
Agreement, Submitted for Commission  
Approval Pursuant to Section 252(e) of the  
Telecommunications Act of 1996.

**DISPOSITION: AMENDMENT APPROVED**

On August 25, 2011, Umpqua Telecom Services Corp. dba Rio Networks and Qwest Corporation filed a third 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 the 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. The amendment should have been placed on the Consent Agenda for the November 22, 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 November 23, 2011, which is before the

next regularly scheduled public meeting on December 6, 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.

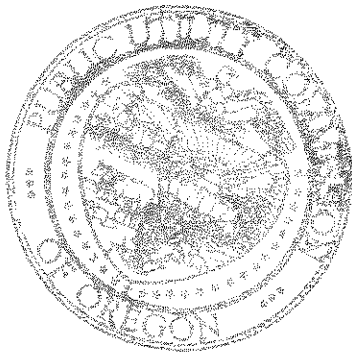
**CONCLUSIONS**

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 Umpqua Telecom Services Corp. dba Rio Networks and Qwest Corporation is approved.

Made, entered, and effective NOV 17 2011.



*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.