

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 623(11)

In the Matter of

TW TELECOM OF OREGON LLC and
QWEST CORPORATION dba
CENTURYLINK QC,

ORDER

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

DISPOSITION: AMENDMENT APPROVED

On October 24, 2012, tw telecom of oregon, llc and QWEST CORPORATION dba CENTURYLINK QC filed an eleventh 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 January 15, 2013 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 January 22, 2013, which is before the

next regularly scheduled public meeting on January 29, 2013, 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 tw telecom of oregon, llc and QWEST CORPORATION dba CENTURYLINK QC is approved.

Made, entered, and effective JAN 15 2013



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.