

ORDER NO. 13 067

ENTERED FEB 26 2013

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 1023, ARB 691(1), ARB 642(1), ARB 253(2), ARB 41(3)

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON STAFF,

Request to approve Negotiated Interconnection
Agreements and Amendments Submitted
Pursuant to Section 252(e) of the
Telecommunications Act of 1996.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its Public Meeting on February 26, 2013, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report¹ with the recommendation is attached as Appendix A.



BY THE COMMISSION:

Becky L. Beier

Becky L. Beier
Commission Secretary

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 by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.

¹ Staff's report incorrectly identifies the US Cellular and Frontier Communications Northwest Inc. amendment as ARB 4(3). The correct docket number is for the US Cellular and Frontier Communications Northwest Inc. amendment is ARB 41(3).

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: February 26, 2013

REGULAR _____ CONSENT X EFFECTIVE DATE _____ N/A _____

DATE: February 14, 2013

TO: Public Utility Commission

FROM: Mitch Moore *MM*

THROUGH: Jason Eisdorfer, Bryan Conway, and Kay Marinos *JE* *BC* *KM*

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 agreement and amendments to previously negotiated agreements listed below, with the agreement and the amendments to be considered legally enforceable on the date of Commission approval.

DISCUSSION:

47 U.S.C. Sections 252(a) and (e) (hereafter "Section 252") require 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).

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An interconnection agreement or amendment thereto is not legally enforceable until approved by a state commission. See Sections 252 (a) and (e). Accordingly, although the contracting parties may state in the agreement that each will abide by the agreement prior to its approval by the Commission, the legally enforceable date under Section 252 of any submitted agreement or amendment is the date the Commission approves it.

Staff has reviewed the following agreement and amendments submitted for Commission approval:

Docket	Parties to the Amendment or Agreement
ARB 4(3)	US Cellular and Frontier Communications Northwest Inc.
ARB 253(2)	United States Cellular Corporation and CenturyTel of Eastern Oregon, Inc. dba CenturyLink and CenturyTel of Oregon, Inc. dba CenturyLink
ARB 642(1)	United States Cellular Corporation and Citizens Telecommunications Company of Oregon
ARB 691(1)	United States Cellular Corporation and Canby Telephone Association
ARB 1023	Telecom Management, Inc. dba Pioneer LD and Qwest Corporation dba CenturyLink QC

Staff recommends approval of the agreement and the amendments. Staff finds that the agreement and the 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 agreement or the amendments.

PROPOSED COMMISSION MOTION:

The new agreement and amendments to previously negotiated agreements listed above be approved.