

ORDER NO. 13 339

ENTERED SEP 17 2013

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

ARB 175(5), ARB 513(6), ARB 523(1), ARB 527A(9),  
ARB 965(1), ARB 1039, ARB 1039(1), ARB 1040, ARB 1043

In the Matter of

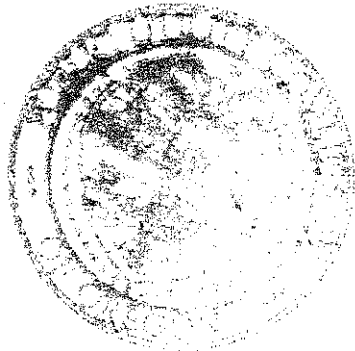
PUBLIC UTILITY COMMISSION OF  
OREGON STAFF,

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 September 17, 2013, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report 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.

ORDER NO. 13 339

ITEM NO. CA11

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: September 17, 2013

REGULAR \_\_\_\_\_ CONSENT X EFFECTIVE DATE \_\_\_\_\_ N/A \_\_\_\_\_

DATE: September 10, 2013

TO: Public Utility Commission

FROM: Mitch Moore <sup>MM</sup>  
<sub>JE</sub>

THROUGH: Jason Eisdorfer, Bryan Conway <sup>BAC</sup> and Kay Marinos <sup>KM</sup>

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

**DISCUSSION:**

47 U.S.C. Sections 252(a) and (e) (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).

ARB Agreements  
September 9, 2013  
Page 2

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 new agreements and amendments to previously approved agreements submitted for Commission approval:

<b>Docket</b>	<b>Parties to the Amendment or Agreement</b>
ARB 175(5)	tw telecom of oregon llc and Frontier Communications Northwest, Inc.
ARB 513(6)	Zayo Bandwidth Northwest, Inc. and Qwest Corporation dba CenturyLink QC
ARB 523(1)	Cellco Partnership dba Verizon Wireless f/k/a RCC Holdings, Inc. and United Telephone of the Northwest dba CenturyLink
ARB 527A(9)	Teleport Communications America, LLC f/k/a TCG Oregon and Qwest Corporation dba CenturyLink QC
ARB 965(1)	Axxis Communications Inc. and United Telephone of the Northwest dba CenturyLink
ARB 1039	365 Wireless, LLC and Qwest Corporation dba CenturyLink QC
ARB 1039(1)	365 Wireless, LLC and Qwest Corporation dba CenturyLink QC
ARB 1040	Business Coverage Centre, LLC and Qwest Corporation dba CenturyLink QC
ARB 1043	Group Six Communications, LLC and CenturyTel of Oregon, Inc. dba CenturyLink

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

ARB Agreements  
September 9, 2013  
Page 3

**PROPOSED COMMISSION MOTION:**

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

ARB agreements 9-17-13.doc