

ORDER NO. 16 450

ENTERED NOV 23 2016

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

ARB 848(1), ARB 1124, ARB 1126, ARB 1127,  
ARB 1132, ARB 1133, ARB 1134, ARB 1136

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 November 22, 2016, 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:



  
**Kristi Collins**  
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 to a court pursuant to applicable law.

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: November 22, 2016

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

DATE: November 3, 2016

TO: Public Utility Commission

FROM: Armando Fimbres

THROUGH: Jason Eisdorfer, Bryan Conway, and Kay Marinos

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

**DISCUSSION:**

47 U.S.C. Sections 252(a) and (e) require that any negotiated interconnection agreement, including amendments to an existing agreement, be submitted to a state commission for approval. Under 47 U.S.C. Section 252(e)(4), 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 47 U.S.C. Section 252(e)(2).

An interconnection agreement or amendment thereto is not legally enforceable until approved by a state commission. See 47 U.S.C. Sections 252(a) and (e). Accordingly, although the contracting parties may state in the agreement that each will abide by the

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agreement prior to its approval by the Commission, the legally enforceable date under 47 U.S.C. Section 252 of any submitted agreement or amendment is the date the Commission approves it.

Staff has reviewed the following agreements and amendment to a previously approved agreement submitted for Commission approval:

<b>Docket</b>	<b>Parties to the Agreements or Amendment</b>
ARB 848(1)	ComSpan Communications, Inc. and Qwest Corporation dba CenturyLink QC
ARB 1124	New Cingular Wireless PCS, LLC d/b/a AT&T and CenturyTel of Eastern Oregon, Inc. d/b/a Centurylink and CenturyTel of Oregon, Inc. d/b/a CenturyLink
ARB 1126	Integrated Path Communications – Oregon, LLC and Qwest Corporation dba CenturyLink QC
ARB 1127	Sonic Systems, Inc. and Qwest Corporation dba CenturyLink QC
ARB 1132	dishNET Wireline, L.L.C. and CenturyTel of Eastern Oregon, Inc. d/b/a Centurylink and CenturyTel of Oregon, Inc. d/b/a CenturyLink
ARB 1133	Casco Communications, Inc. and Qwest Corporation dba CenturyLink QC
ARB 1134	Casco Communications, Inc. and CenturyTel of Eastern Oregon, Inc. d/b/a Centurylink and CenturyTel of Oregon, Inc. d/b/a CenturyLink
ARB 1136	Hunter Communications, Inc. and Citizens Telecommunications Company of Oregon

Staff recommends approval of the agreements and amendment. Staff finds that the agreements and amendment 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 47 U.S.C. Section 252(e)(2) to reject the agreements or amendment.

#### **PROPOSED COMMISSION MOTION:**

Approve the new agreements and amendment to a previously approved agreement listed above.

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