

ORDER NO. 21-178

ENTERED Jun 03 2021

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 401(15), ARB 401(16), ARB 401(17), ARB 469(5), ARB 535(7), ARB 1094(1),
ARB 1203

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 June 1, 2021, 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:



Nolan Moser

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.

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: June 1, 2021**

REGULAR CONSENT EFFECTIVE DATE _____ N/A _____

DATE: May 24, 2021

TO: Public Utility Commission

FROM: Bret Farrell

THROUGH: Bryan Conway and Caroline Moore **SIGNED**

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
Request to approve Negotiated Interconnection Agreement/Amendments submitted pursuant to Section 252(e) of the Telecommunications Act of 1996.

STAFF RECOMMENDATION:

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

DISCUSSION:

Issue

Whether the Commission should approve the new negotiated interconnection agreement and amendments.

Applicable Law

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 before it may become legally enforceable.

OAR 860-016-0020 governs Commission review of interconnection agreements and amendments. Specifically:

- (3) After the parties reach agreement under Section 252(a) of the Act,

they must file an application with the Commission seeking approval of the agreement, or for approval of an amendment to an approved agreement on file with the Commission. The application must include the negotiated agreement and a completed Carrier-to-Carrier Agreement Checklist. A copy of the checklist is available on the Commission's website. The parties may also include any other supporting information with their application. The application and checklist must be filed electronically as required in OAR 860-001-0170.

(4) The Commission will approve or reject the agreement within 90 days of filing, with written findings as to any deficiencies. Prior to rejecting the agreement, the Commission will notify the negotiating parties of its intended action and provide an opportunity for the carriers to respond. The grounds for rejection are that the agreement:

- (a) Discriminates against a carrier not a party to the agreement; or
- (b) Is not consistent with the public interest, convenience, and necessity. Applicable Commission policies will be a factor in public interest, convenience, and necessity determinations.

Analysis

As noted above, 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, Staff notes that 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 47 U.S.C. Section 252 of any submitted agreement or amendment is the date the Commission approves it.

Staff has reviewed the following new agreement and amendments organized by filing date and submitted for Commission approval:

Docket	Parties to the Agreement or Amendment
ARB 401 (15)	Douglas Services, Inc. and Qwest Corporation dba CenturyLink QC
ARB 401 (16)	Douglas Services, Inc. and Qwest Corporation dba CenturyLink QC
ARB 401 (17)	Douglas Services, Inc. and Qwest Corporation dba CenturyLink QC
ARB 469 (5)	Comcast Phone of Oregon, LLC and Northwest Fiber, LLC dba Ziplly Fiber
ARB 535 (7)	Preferred Long Distance, INC. and Qwest

Corporation dba CenturyLink QC

ARB 1094 (1) Clear Rate Communications, Inc. and Qwest
Corporation dba CenturyLink QC
ARB 1203 Level 3 Communications, LLC, and Asotin
Telephone Company d/b/a TDS Telecom

Conclusion

Staff recommends approval of the agreement and amendments. Staff finds that the new and amended agreement does not discriminate against non-party telecommunications carriers and does 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 amendments.

PROPOSED COMMISSION MOTION:

Approve the new negotiated interconnection agreement and amendments listed above.