

ORDER NO. 22-438

ENTERED Nov 07 2022

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 1065(1), ARB 1215, ARB 1216, ARB 1217, ARB 1218, ARB 1219, ARB 1220

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 1, 2022, 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.

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 1215	Simwood, Inc. and Qwest Corporation dba CenturyLink QC
ARB 1216	Simwood, Inc. and United Telephone Company of the Northwest dba CenturyLink
ARB 1217	Simwood, Inc. and CenturyTel of Eastern Oregon, Inc. dba CenturyLink and CenturyTel of Oregon, Inc. dba CenturyLink
ARB 1218	FTX Networks LLC and Qwest Corporation dba CenturyLink QC

ARB 1219	FTX Networks LLC and CenturyTel of Eastern Oregon, Inc. dba CenturyLink and CenturyTel of Oregon, Inc. dba CenturyLink
ARB 1220	FTX Networks LLC and United Telephone Company of the Northwest dba CenturyLink
ARB 1065(1)	Electric Lightwave LLC dba Allstream and Qwest Corporation dba CenturyLink QC

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.

CA12 – ARB PMM