

ORDER NO. 99-529

ENTERED AUG 30 1999

This is an electronic copy. Appendices and footnotes may not appear.

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 151

In the Matter of the Letter of Adoption between)
OregonTel, LLC and GTE Northwest Incorporated)
Adopting the Terms of the ARB 5 Agreement,)
Submitted for Commission Approval Pursuant to)
the Telecommunications Act of 1996.)

ORDER

DISPOSITION: AGREEMENT APPROVED

On August 19, 1999, OregonTel, LLC and GTE Northwest Incorporated (GTE) filed with the Commission a Letter of Adoption. According to the Letter, OregonTel, LLC and GTE agree to adopt the terms of the arbitrated agreement between AT&T Communications of the Pacific Northwest, Inc., and GTE that was approved by the Commission in docket ARB 5. (See Order No. 99-028.) GTE agrees to enter into this arrangement pursuant to Section 252(i) of the Telecommunications Act of 1996.

Under Section 252(e) of the Act, the Commission must approve or reject an agreement reached through voluntary negotiation within 90 days of filing. The Commission may reject an agreement only if it finds that:

- (1) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (2) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.

The agreement which OregonTel, LLC and GTE wish to adopt does not appear to discriminate against telecommunications carriers who were not parties to the agreement and does not appear to be inconsistent with the public interest, convenience, and necessity. The Commission has not certified OregonTel, LLC to provide intrastate telecommunications services. Approval of this agreement does not constitute a grant of authority to company to provide intrastate telecommunications services in Oregon.

OPINION

We conclude that there is no basis under the Act to reject the agreement and that the agreement should be approved.

CONCLUSIONS

1. The agreement adopts the terms and conditions of the agreement previously approved in ARB 5.
2. The agreement should be approved.

ORDER

IT IS ORDERED that:

1. The agreement between OregonTel, LLC and GTE Northwest Incorporated adopting the terms of the previously approved agreement in docket ARB 5 is approved.
2. OregonTel, LLC must obtain a certificate of authority from this Public Utility Commission before it provides any local exchange telecommunications service.

Made, entered, and effective _____.

Ron Eachus
Chairman

Roger Hamilton
Commissioner

Joan H. Smith
Commissioner

A party may request rehearing or reconsideration of this order pursuant to 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 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to applicable law.