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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 187

In the Matter of the Resale Agreement between)
Essential.Com and US WEST Communications,)
Inc., Submitted for Commission Approval)
Pursuant to Section 252(e) of the)
Telecommunications Act of 1996.)
ORDER

DISPOSITION: AGREEMENT APPROVED

On December 6, 1999, Essential.Com and US WEST Communications, Inc., filed a Resale Agreement with the Commission. The parties seek approval of the agreement under Section 252(e)(2) of the Telecommunications Act of 1996.

Under 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 Commission provided notice of the request for approval and an opportunity to comment to a list of persons who have participated in arbitrations under the Act. Comments were filed by the PUC Staff.

Staff concluded that the agreement does not appear to discriminate against telecommunications carriers who are not parties to the agreement and does not appear to be inconsistent with the public interest, convenience, and necessity. Staff noted that the Commission has not certified Essential.Com to provide intrastate telecommunications services and that approval of this agreement does not constitute a grant of authority to Essential.Com for provision of intrastate telecommunications service.

OPINION

The Commission has reviewed the agreement and the comments. We conclude that there is no basis under the Act to reject the agreement. No participant in the proceeding has requested that the agreement be rejected or has presented any reason for rejection. We conclude that the agreement should be approved.

CONCLUSIONS

1. There is no basis for finding that the agreement discriminates against any telecommunications carrier not a party to the agreement.
2. There is no basis for finding that implementation of the agreement is not consistent with the public interest, convenience, and necessity.
3. The agreement should be approved.
4. The Commission has not certified Essential.Com to provide intrastate telecommunications services. Approval of this agreement does not constitute a grant of authority to Essential.Com to provide intrastate telecommunications services in Oregon.

ORDER

IT IS ORDERED that:

1. The agreement between Essential.Com and U S WEST Communications, Inc., is approved.
2. Essential.Com 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.