

ENTERED FEB 25 2000

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BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 195 (1)

In the Matter of the Supplemental Agreement)
 Between BlueStar Communications, Inc., and GTE)
 Northwest Incorporated Submitted for) ORDER
 Commission Approval Pursuant to Section 252 (e))
 of the Telecommunications Act of 1996.)

DISPOSITION: AMENDMENT APPROVED

On December 28, 1999, BlueStar Communications, Inc., and GTE Northwest Incorporated filed with the Public Utility Commission of Oregon (Commission), a fully executed amendment to the agreement adopted by the parties and acknowledged by the Commission on January 21, 2000'. The amendment incorporates new provisions regarding collocation. The parties seek approval of the amendment under Section 252(e)(1),(2) of the Telecommunications Act of 1996 (Act).

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 amendment to the previously filed 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.

' The supplemental agreement (amendment) was received by the Commission before the adoption agreement was received. Both the letters of adoption and the amendment were dated December 27, 1999, and Commission Staff verified with GTE that the documents were intended to be filed concurrently.

OPINION

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

CONCLUSIONS

1. There is no basis for finding that the amendment to the previously approved agreement discriminates against any telecommunications carrier not a party to the agreement.
2. There is no basis for finding that implementation of the amended agreement is not consistent with the public interest, convenience, and necessity.
3. The amendment should be approved.

ORDER

IT IS ORDERED that the amendment to the previously approved agreement between BlueStar Communications, Inc., and GTE Northwest Incorporated is approved.

Made, entered, and effective

FEB 25 2000

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.