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**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

ARB 256

In the Matter of the Master Interconnection and	)	
Resale Agreement between PATHNET, INC., and	)	
UNITED TELEPHONE COMPANY OF THE	)	ORDER
NORTHWEST (SPRINT), Submitted for	)	
Commission Approval Pursuant to Section	)	
252 (e) of the Telecommunications Act of 1996.	)	

**DISPOSITION: AGREEMENT APPROVED**

On July 13, 2000, Pathnet, Inc. (Pathnet) and United Telephone Company of the Northwest/Sprint (United), filed a Negotiated Resale Interconnection Agreement with the Public Utility Commission of Oregon (Commission). The parties seek approval of the agreement under Section 252(e) 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.

Pathnet and United agreed to allow the agreement to become effective as of April 14, 2000. This provision governing the effective date is not enforceable. Under Sections 252(a) and (e) of the Act, agreements do not have force or effect until approved by the Commission.

**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.

**ORDER**

IT IS ORDERED that the agreement, between Pathnet, Inc. and United Telephone Company of the Northwest/Sprint, is approved.

Made, entered, and effective \_\_\_\_\_.

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**William G. Warren**  
Director  
Utility Program

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.