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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
ARB 287

In the Matter of the Negotiated Agreement for)
Interconnection, Unbundled Networks Elements,)
Ancillary Services and Resale of) ORDER
Telecommunications Services between)
AVISTA COMMUNICATIONS OF OREGON,)
INC. and QWEST CORPORATION, Replacing)
the Previously Approved Agreement in ARB 135,)
Submitted for Commission Approval Pursuant to)
Section 252 (e) of the Telecommunications Act of)
1996.)

DISPOSITION: AGREEMENT APPROVED

On October 5, 2000, Avista Communications of Oregon, Inc. (Avista) and Qwest Corporation, formerly known as U S WEST Communications, Inc. (Qwest), filed an executed Agreement for Interconnection, Unbundled Networks Elements, Ancillary Services and Resale of Telecommunications Services with the Public Utility Commission of Oregon (Commission). This current interconnection agreement is intended to replace the previously approved agreement and amendment in ARB 135. 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.

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 Avista Communications of Oregon, Inc. and Qwest Corporation, is approved.

Made, entered, and effective _____.

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.