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BEFORE THE PUBLIC UTILITY COMMISSION**

OF OREGON

ARB 289

In the Matter of the Negotiated 251/252 Resale)	
Interconnection Agreement between)	
SERVISENSE.COM, INC. and VERIZON)	ORDER
NORTHWEST, INC. (fka GTE NORTHWEST)	
INCORPORATED), Submitted for Commission)	
Approval Pursuant to Section 252 (e) of the)	
Telecommunications Act of 1996.)	

DISPOSITION: AGREEMENT APPROVED

On October 13, 2000, ServiSense.com, Inc. (ServiSense) and Verizon Northwest, Inc., formerly known as GTE Northwest Incorporated (Verizon), filed an executed 251/252 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.

ServiSense and Verizon agreed to allow the agreement to become effective "upon filing with the Commission". This provision governing the effective date is not enforceable. Under Sections 252(a) and (e) of the Act of 1996, agreements do not have force or effect until approved by the Commission.

Staff noted that the Commission has not approved a monthly interim universal service support charge as proposed by Verizon in the agreement, nor is Staff aware of any relevant court ruling in favor of a surcharge as proposed by Verizon. Recognizing that approval of the

agreement does not constitute approval of Verizon's proposed surcharge, 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 with the understanding that the provision governing the effective date is unenforceable.
4. Approval of this agreement does not constitute approval of the surcharge proposed by Verizon.

ORDER

IT IS ORDERED that the agreement, between ServiSense.com, Inc. and Verizon Northwest, Inc., 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.