

This is an electronic copy. Attachments may not appear.

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 389

In the Matter of the Negotiated Interconnection)	
Agreement between REGAL DIVERSIFIED,)	
INC., dba REGAL TELEPHONE COMPANY,)	ORDER
INC. and QWEST CORPORATION, Submitted)	
for Commission Approval Pursuant to Section)	
252 (e) of the Telecommunications Act of 1996.)	

DISPOSITION: AGREEMENT APPROVED

On November 21, 2001, Regal Diversified, Inc., doing business as Regal Telephone Company, Inc., and Qwest Corporation filed an interconnection agreement with the Public Utility Commission of Oregon (Commission). The parties seek approval of this agreement under Section 252(e) of the Telecommunications Act of 1996. The Commission provided notice by posting an electronic copy of the agreement on the World Wide Web, at: <http://www.puc.state.or.us/caragmnt/>. Only the Commission Staff (Staff) filed comments.

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.

Staff noted that an interconnection agreement or amendment thereto has no effect or force until approved by a state Commission. See 47 U.S.C. Sections 251 (a) and (e). Accordingly, Staff pointed out that the effective date of this filing will be the date the Commission signs an order approving it, and that any provision stating that the parties' agreement is effective prior to that date is not enforceable.

Staff also noted that this agreement includes language in Section 6.2.3.1 and Section 6.2.3.2 regarding limitations to credits, fines and penalties imposed on Qwest. The parties cannot, by this agreement, modify or change how the Commission imposes service quality credits and penalties pursuant to statute or rule.

Staff recommended approval of the agreement. 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 adopts Staff's recommendation and concludes 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. Accordingly, 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, nonetheless, Sections 6.2.3.1 and 6.2.3.2 are subordinate to applicable law.

ORDER

IT IS ORDERED that the agreement, between Regal Diversified, Inc., doing business as Regal Telephone Company, Inc., and Qwest Corporation, is approved, with the exception of Sections 6.2.3.1 and 6.2.3.2 being subordinate to applicable laws.

Made, entered, and effective _____.

Phil Nyegaard
Acting 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.