

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 298¹

In the Matter of the Interconnection Agreement)	
between SBC TELECOM, INC. and VERIZON)	
NORTHWEST, INC. Adopting the Negotiated)	ORDER
Collocation and DS3 Terms of the Interconnection)	
Agreement between SBC TELECOM, INC. and)	
VERIZON NORTHWEST, INC. (fka GTE)	
NORTHWEST INCORPORATED) which was)	
previously approved by the Washington Utility)	
and Transportation Commission in Docket)	
UT-993019, Submitted Pursuant to Section 252(e))	
of the Telecommunications Act of 1996.)	

DISPOSITION: AMENDMENT APPROVED

On November 15, 2000, SBC Telecom, Inc. (SBCT) and Verizon Northwest Incorporated (Verizon) filed an Interconnection Agreement with the Public Utility Commission of Oregon (Commission or Oregon Commission). The underlying agreement referenced in the filing (WUTC Docket UT-993019) is not an agreement previously approved by the Oregon Commission; therefore, it cannot be processed as an adoption in Oregon. SBCT and Verizon have an agreement previously acknowledged and on file with the Oregon Commission.¹ The parties seek approval of the agreement under Section 252(e) of the Telecommunications Act of 1996 (Act), and the Commission determined the filing merits review² as set forth in Section 252(e)(2)(A) of the Act.

¹ See ARB 223. On May 30, 2000, the Commission acknowledged the adoption by SBCT and Verizon of the terms of the agreement between AT&T Communications of the Pacific Northwest, Inc. and Verizon Northwest Incorporated (fka GTE Northwest Incorporated) approved by Order No. 99-028, in ARB 5. Essentially, this present filing should have been processed as an amendment to ARB 223, otherwise referenced as ARB 223(1). Absent the critical historical information that should have been included with the initial filing, the case was processed as a new interconnection agreement and assigned a new case number, ARB 298, hence, the need for the cross-referencing explanation at this time.

² Further review of this agreement indicated Verizon and SBC indicated the filing was made under the Most Favored Nations (MFN) terms of the Federal Communications Commission conditions of the Bell Atlantic/GTE Merger. See CC Docket no. 98-184. The Oregon Commission views this filing as a Pre-Merger MFN agreement filed pursuant to FCC Order No. 00-221.

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.

On January 30, 2001, Verizon submitted a replacement filing. On February 9, 2001, Verizon and SBCT submitted a second replacement filing (replacement 2), removing the incorrect pricing, terms and statements, and more clearly representing the parties' agreement. Comments were filed by the PUC Staff.³

Verizon and SBCT agreed to allow the agreement to become effective upon the date of filing with the Oregon Commission. 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 relevant state Commission.

Staff concluded, upon reviewing replacement 2, 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.

³Staff included general comments to avoid complications with similar agreements filed in the future: Verizon and the contracting company should submit an MFN filing jointly. All parties must clearly sign off on the agreement and all parties must be served a copy of the documents as they are filed. The agreement must be clear and not contain terms, conditions, or rates that do not apply 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.

ORDER

IT IS ORDERED that the amendment, between SBC Telecom, Inc. and Verizon Northwest Incorporated, 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.