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BEFORE THE PUBLIC UTILITY COMMISSION**

OF OREGON

ARB 304

In the Matter of the Paging Interconnection)	
Agreement Between METROCALL, INC. and)	
QWEST CORPORATION (fka U S WEST)	ORDER
COMMUNICATIONS, INC.), Submitted for)	
Commission Approval Pursuant to Section 252(e))	
of the Telecommunications Act of 1996.)	

DISPOSITION: AGREEMENT APPROVED

On January 12, 2001, Metrocall, Inc., and Qwest Corporation filed a negotiated 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. The Commission Staff filed comments.

Staff recommends approval of the agreement. Staff concludes 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. In making its recommendation, Staff noted that an interconnection agreement has no effect or force until approved by a state Commission. See Sections 251 (a) and (e). Accordingly, Staff points out that the effective date of this agreement will be the date the Commission signs an order approving the agreement, and that any provision allowing the agreement to become effective prior to that date is not enforceable.

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 any provision establishing an effective date prior to the date of this order is unenforceable.

ORDER

IT IS ORDERED that the agreement, between Metrocall, Inc., and Qwest Corporation, is approved.

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.