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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

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RIO COMMUNICATIONS, INC.,)	
)	
Complainant,)	
)	
v.)	ORDER
)	
QWEST CORPORATION, formerly known as)	
U S WEST COMMUNICATIONS, INC., ¹)	
)	
Defendant.)	

DISPOSITION: REMEDIAL PLAN ADOPTED

On April 7, 2000, Rio Communications, Inc. (Rio), filed a complaint against Qwest Corporation (Qwest), alleging Qwest violated ORS 759.455 (Senate Bill 622) and breached the interconnection agreement entered into by the parties pursuant to the Telecommunications Act of 1996.

On June 19, 2000, the parties filed a stipulation resolving the issues in the complaint and a joint motion for an order approving the stipulation. In the stipulation, Qwest admitted that it breached its interconnection agreement with Rio and that it violated ORS 759.455(h). Qwest agreed to remedy the breaches and violations by complying with the stipulation and submitting a remedial plan for Commission approval. The Commission approved the stipulation in Order No. 00-490.

On July 5, 2000, Qwest filed its proposed remedial plan. On September 6, 2000, Rio submitted objections and proposed modifications to the proposed plan. On September 13, 2000, Qwest replied. On November 8, 2000, the Commission issued Order No. 00-723. In that order, the Commission reviewed and commented on the

¹ This name change officially occurred on June 30, 2000. The company is referred to as Qwest throughout this order.

parties' positions. The Commission directed the parties to file a coherent set of options from which a remedial plan can be fashioned. If the parties were unable to reach an agreement, we directed them to submit a joint statement identifying the provision at issue and each party's alternative proposed language for incorporation into the remedial plan.

On January 3, 2001, in compliance with Order No. 00-723, the parties filed the requested documents. The parties submitted a master document and positions on their differences. On January 25, 2001, the Administrative Law Judge held a conference to resolve ambiguities in the master document. On March 6, 2001, Qwest filed a letter setting forth its position on the questions asked by the ALJ. On March 9, 2001, Qwest informed the ALJ that the parties were negotiating over a provision of the proposed remedial plan involving billing credits. On April 20, 2001, the parties indicated that they were still negotiating the issue of billing credits. On April 24, 2001, however, they agreed, that the Commission should proceed with an order resolving the other issues in dispute.

On May 9, 2001, the Commission issued Order No. 01-407, resolving all the disputed issues other than the billing credits issue. The order directed the parties to file a completed remedial plan by May 25, 2001. On May 24, May 31, and June 7, 2001, the parties requested additional time to file the remedial plan. On June 14, 2001, they filed the remedial plan. The remedial plan is attached as Appendix A.

Commission Review of the Remedial Plan

We have reviewed the remedial plan and conclude that it should be adopted. The plan is consistent with the stipulation approved in Order No. 00-490. In addition, it is consistent with our decisions in Order Nos. 00-723 and 01-407. Finally, we have no basis for concluding that the plan is inconsistent with the Telecommunications Act of 1996, Oregon law, or Commission policy.

ORDER

IT IS ORDERED that the remedial plan filed by Rio Communications, Inc. and Qwest Corporation on June 14, 2001, and attached as Appendix A, is approved.

Made, entered, and effective _____.

Roy Hemmingway
Chairman

Roger Hamilton
Commissioner

Joan H. Smith
Commissioner

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.