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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

ARB 341

In the Matter of the Interconnection)	
Agreement between FUZION WIRELESS)	
COMMUNICATIONS, INC. and)	ORDER
VERIZON NORTHWEST, INC. Adopting)	
and Supplementing the Interconnection)	
Agreement between FUZION WIRELESS)	
COMMUNICATIONS, INC. and VERIZON)	
FLORIDA, INC. (fka GTE FLORIDA)	
INCORPORATED) which was previously)	
approved by the Florida Commission,)	
Submitted Pursuant to Section 252(e) of the)	
Telecommunications Act of 1996.)	

DISPOSITION: AGREEMENT APPROVED

On May 14, 2001, Fuzion Wireless Communications, Inc. and Verizon Northwest, Inc. filed an interconnection agreement with the Public Utility Commission of Oregon (Commission), adopting and supplementing the interconnection agreement between Fuzion Wireless Communications, Inc. and Verizon Florida, Inc. (fka GTE Florida Incorporated), which was previously approved by the Florida Commission. The parties seek approval of the agreement under Section 252(e) of the Telecommunications Act of 1996. The Commission provided notice of the request for approval and an opportunity to comment. 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 the underlying agreement referenced in the filing (Florida Docket No. 001573-TP, Order No. PSC-01-0174-FOF-TP) is not an agreement previously approved by the Oregon Public Commission. Therefore, it could not be processed as an adoption in Oregon. Staff further noted that an interconnection

agreement or amendment thereto has no effect or force until approved by the relevant 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 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.

ORDER

IT IS ORDERED that the agreement, between Fuzion Wireless Communications, Inc. and Verizon Northwest, Inc., 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.