

This is an electronic copy. Format and font may vary from the official version. Attachments may not appear.
BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 473 + (1&2)

In the Matter of)
)
ELECTRIC LIGHTWAVE, INC. and)
VERIZON NORTHWEST INC.)
)
Adopting the Terms of the Interconnection)
Agreement between XO WASHINGTON INC,)
(fka NEXTLINK WASHINGTON, INC.) and)
VERIZON NORTHWEST INC. (fka GTE)
NORTHWEST INCORPORATED), which was)
previously approved by the Washington)
Utilities & Transportation Commission;)
Submitted Pursuant to the Telecommunications)
Act of 1996.)

ORDER

DISPOSITION: AGREEMENT and AMENDMENTS APPROVED

On February 5, 2003, Electric Lightwave, Inc., and Verizon Northwest Inc. (fka GTE Northwest Incorporated) filed an interconnection agreement with the Public Utility Commission of Oregon (Commission), which replaces ARB 320. On that same date, the parties also filed a first and second amendment to the interconnection agreement.

The parties seek approval of this agreement and the amendments under Section 252 of the Telecommunications Act of 1996. The filing was made pursuant to the conditions placed on the Bell Atlantic/GTE merger. The Federal Communications Commission requires Verizon (formerly GTE) to offer out of state agreements to other telecommunications providers. Because the underlying agreement has not previously been approved by this Commission, we review it pursuant to the standards set forth in Section 252(e)(2)(A) of the Act.

The Commission provided notice of the filing 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 recommends approval of the agreement and amendments. Staff concludes that the agreement and amendments do not appear to discriminate against telecommunications carriers who are not parties to the agreement and do not appear to be inconsistent with the public interest, convenience, and necessity. Staff notes, however, that page three of the parties' cover letter states:

“ELI's adoption of the Verizon Northwest/XO Terms shall become effective on November 15, 2002.”

An interconnection agreement or amendment thereto has no effect or force until approved by a state Commission. *See* 47 U.S.C. Sections 252 (a) and (e). Accordingly, 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.

OPINION

The Commission adopts Staff's recommendation and concludes that there is no basis under the Act to reject the agreement or the amendments. No participant in the proceeding has requested that the agreement or amendments be rejected or has presented any reason for rejection. Accordingly, the agreement and amendments should be approved.

CONCLUSIONS

1. There is no basis for finding that the agreement and amendments discriminate against any telecommunications carrier not a party to the agreement.
2. There is no basis for finding that implementation of the agreement and agreements are not consistent with the public interest, convenience, and necessity.
3. The agreement and amendments should be approved.

ORDER

IT IS ORDERED that the agreement and amendments, between Electric Lightwave, Inc., and Verizon Northwest Inc. (fka GTE Northwest Incorporated), are approved.

Made, entered, and effective _____.

John Savage
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.