

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 101(14 & 15)

In the Matter of)	
)	
ADVANCED TELCOM, INC., and)	
QWEST CORPORATION)	ORDER
)	
Fourteenth and Fifteenth Amendments)	
to Interconnection Agreement, Submitted)	
for Commission Approval Pursuant to)	
Section 252(e) of the Telecommunications)	
Act of 1996.)	

DISPOSITION: AMENDMENTS APPROVED

On March 1 and March 4, 2005, Advanced Telcom, Inc., and Qwest Corporation (Qwest) filed fourteenth and fifteenth amendments,¹ respectively, to the interconnection agreement previously acknowledged by the Public Utility Commission of Oregon (Commission), recognizing the adoption of ARB 6 terms.² Subsequent amendments were approved in Orders No. 98-485, 00-724, 01-341, 01-588, 02-175, 02-297, 02-810, 03-266, 04-726, 05-057 and 05-129. The parties seek approval of the amendment under Section 252(e) of the Telecommunications Act of 1996. The Commission provided notice by posting an electronic copy of the agreement and amendment on the World Wide Web, at: <http://www.puc.state.or.us/caragmnt/>.

Under the Act, the Commission must approve or reject an agreement or amendment thereto 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

¹Qwest included a letter and attachment with the ARB 101(14) filing. The attachment is captioned "Agreement Filing Under Protest and With Reservations of Rights." These documents inform the Commission that Qwest is filing the Qwest Platform Plus (QPP) portion of the ARB 101(14) amendment under protest. The Commission extended the comment due date to 45 days.

² The Commission took official notice of ARB 101(14), filed on March 1, 2005, and suspended review of that filing to consolidate it with the present filing, ARB 101(15), for review under Section 252 of the Telecommunications Act. The Commission used the filing date of this present filing for purposes of the 90-days review period, and extended the comment due date to 45 days.

- (2) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.

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 any provision stating that the parties' amendments are effective prior to that date is not enforceable.

These amendments are nearly identical to recent filing amending the ARB 6 interconnection agreement between Qwest and MCImetro Access Transmission Services, LLC (MCI). In that proceeding, the Commission determined that the QPP agreement was an interconnection agreement subject to filing obligations under Section 252 of the Act. *See* Order No. 04-661. The Commission subsequently approved both the QPP agreement and the Batch Hot Cut Amendment, which the parties had filed simultaneously. *See* Order No. 05-103. Because the present amendments in this docket are virtually the same as that approved in ARB 6, Staff recommends approval of the ARB 101(14 & 15) amendments.

OPINION

The Commission concludes that the amendments to the agreement 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. Accordingly, the amendments should be approved.

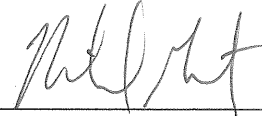
CONCLUSIONS

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

ORDER

IT IS ORDERED that the amendments to the previously acknowledged agreement between Advanced Telcom, Inc., and Qwest Corporation are approved.

Made, entered, and effective MAY 13 2005 .



Michael Grant
Chief Administrative Law Judge
Administrative Hearings Division



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.