

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

ARB 343(1, 2 & 3)

In the Matter of	)	
	)	
ONE POINT COMMUNICATIONS	)	
COLORADO, L.L.C., dba VERIZON	)	ORDER
AVENUE, and VERIZON NORTHWEST	)	
INC.,	)	
	)	
First, Second, and Third Amendments to	)	
the Interconnection Agreement, Submitted	)	
for Commission Approval Pursuant to	)	
Section 252(e) of the Telecommunications	)	
Act of 1996.	)	

**DISPOSITION: AMENDMENTS APPROVED**

On April 29, 2005, One Point Communications Colorado, L.L.C., dba Verizon Avenue, and Verizon Northwest Inc. filed first, second, and third amendments, respectively, to the interconnection agreement previously approved by the Public Utility Commission by Order No. 01-731. The parties seek approval of the amendments under Section 252(e) of the Telecommunications Act of 1996. The Commission provided notice by posting an electronic copy of the agreement and amendments 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 noted that the parties state the agreement has a June 14, 2001, effective date, which is nearly four years prior to filing the agreement and prior to the Commission approving the agreement. Staff reminds all parties that interconnection agreements and changes thereto should be filed as close as possible to the date of actual change in order to avoid being discriminatory in appearance.

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.

Staff recommended approval of the amendments. Staff concluded that the amendments to the previously approved 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.

### **OPINION**

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

### **CONCLUSIONS**

1. There is no basis for finding that the amendments to the previously approved agreement discriminate against any telecommunications carrier 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 approved agreement between One Point Communications Colorado, L.L.C., dba Verizon Avenue, and Verizon Northwest Inc. are approved.

Made, entered, and effective July 19, 2005.



*Kathryn A. Logan*  
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.