

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 783

In the Matter of)	
)	
STEPHOUSE HOLDINGS COMPANY, LLC,)	
dba STEPHOUSE NETWORKS, and QWEST)	ORDER
CORPORATION,)	
)	
Negotiated Interconnection Agreement,)	
Submitted for Commission Approval Pursuant)	
to Section 252(e) of the Telecommunications)	
Act of 1996.)	

DISPOSITION: AGREEMENT APPROVED

On December 19, 2006, Stephouse Holdings Company, LLC, dba Stephouse Networks, and Qwest Corporation filed a negotiated interconnection agreement with the Public Utility Commission of Oregon (Commission). The parties seek approval of this agreement under Section 252(e) of the Telecommunications Act of 1996. The Commission provided notice 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.

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 these filings will be the date the Commission signs an order approving them, and any provision stating that the parties' agreement or amendment is effective prior to that date is not enforceable. More specifically, Section 1.7.1.2 of this agreement included the following provision:

“The rates and to the extent practicable, other terms and conditions contained in the final amendment will relate back to the date the Interim Advice Adoption Letter was executed.”

This gives the appearance of backdating the agreement. The Commission can only approve agreements on a going-forward basis. Any backdating of agreements or provisions contained within agreements are not enforceable. Backdating may be considered discriminatory to other carriers who are not parties to the agreement. While Staff recognized that the language cited above is part of the current template agreement that Qwest offers to other carriers, Staff also recognized that the Commission had approved, without specific comment, previously filed agreements that included this same language. Regardless, the Commission had consistently stated in its orders approving interconnection agreements that the effective date is 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 that Qwest amend its template to remove the above quoted statement to avoid future comments or issues surrounding the effective date of agreements or amendments.

Staff recommended approval of the agreement on a going-forward basis only. Staff concluded that the going-forward 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 recommendations 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.

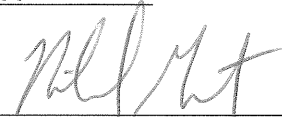
CONCLUSIONS

1. There is no basis for finding that the agreement discriminates against any telecommunications carriers who are not parties 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 Stephouse Holdings Company, LLC, dba Stephouse Networks, and Qwest Corporation is approved.

Made, entered, and effective FEB 01 2007.



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.