

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 838, ARB 16(5), ARB 527A(6)

In the Matter of)	
)	
PUBLIC UTILITY COMMISSION OF OREGON)	
STAFF,)	ORDER
)	
Request to approve a Negotiated Interconnection)	
Agreement and Amendments Submitted Pursuant to)	
Section 252(e) of the Telecommunications Act of 1996.)	

DISPOSITION: AGREEMENT AND AMENDMENTS APPROVED

The Public Utility Commission of Oregon (Commission) Staff recommended approval of a certain negotiated interconnection agreement and amendments submitted pursuant to Section 252(e) of the Telecommunications Act of 1996 (Act). The identification of the agreement and amendments and the basis for Staff's recommendation are set forth in a Public Meeting Report, which is attached as Appendix A and incorporated by reference.

At the May 20, 2008, Public Meeting, the Commission adopted Staff's recommendation and approved the identified agreement and amendments. The Commission Staff concluded that there is no basis under the Act to reject the agreement and amendments. Accordingly, the agreement and amendments listed in Staff's report are approved, effective from the date of the public meeting.

ORDER

IT IS ORDERED that the agreement and amendments identified in Appendix A are approved.

Made, entered, and effective MAY 30 2008



Michael Grant

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.

ITEM NO. CA5

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: May 20, 2008**

REGULAR _____ CONSENT X EFFECTIVE DATE _____ N/A

DATE: May 12, 2008

TO: Public Utility Commission

FROM: Celeste Hari *CH*

THROUGH: *in* Lee Sparling, *DB* Dave Booth, *KM* Kay Marinos and *LF* Shelley Jones

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: Request to approve Negotiated Interconnection Agreements and Amendments submitted pursuant to Section 252(e) of the Telecommunications Act of 1996.

STAFF RECOMMENDATION:

Staff recommends the Commission approve the agreement and amendments to previously negotiated interconnection agreements listed below.

DISCUSSION:

Section 252(e) of the Telecommunications Act of 1996 (Act) requires that any negotiated interconnection agreement, including amendments to an existing agreement, be submitted to a state commission for approval. Under the Act, the Commission must approve or reject such agreements within 90 days of filing. The Commission may reject an agreement only if it finds that:

- (i) the agreement, or portion thereof, discriminates against a telecommunications carrier not a party to the agreement; or
- (ii) the implementation of such agreement, or portion thereof, is not consistent with the public interest, convenience, and necessity. See Section 252(e)(2).

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 any submitted agreement or amendment will be the date the

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Commission signs an order approving it, and any provision stating that the parties' agreement is effective prior to that date is not enforceable.

Staff has reviewed the following agreement and amendments submitted for Commission approval:

Docket	Parties to the Amendment or Agreement
ARB 838	Bandwidth.com CLEC, LLC and United Telephone Company of the Northwest dba Embarq
ARB 16(5)	New Cingular Wireless Services, Inc. fka AT&T Wireless, Inc. and Qwest Corporation
ARB 527A(6)	TCG Oregon and Qwest Corporation

Staff recommends approval of the agreement and amendments. Staff finds that the agreement and the amendments do not discriminate against non-party telecommunications carriers and do not appear to be inconsistent with the public interest, convenience, and necessity. Accordingly, Staff concludes that there is no basis under the Act to reject the agreement and amendments.

PROPOSED COMMISSION MOTION:

The agreement and amendments to previously negotiated interconnection agreements listed above be approved.

ARB Agreements