

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 832(1)

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

DISPOSITION: AMENDMENT APPROVED

The Public Utility Commission of Oregon (Commission) Staff recommended approval of a negotiated interconnection amendment submitted pursuant to Section 252(e) of the Telecommunications Act of 1996 (Act). The identification of the amendment 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 September 9, 2008, Public Meeting, the Commission adopted Staff's recommendation and approved the identified amendment. The Commission Staff concluded that there is no basis under the Act to reject the amendment. Accordingly, the amendment listed in Staff's report is approved, effective from the date of the public meeting.

ORDER

IT IS ORDERED that the amendment identified in Appendix A is approved.

Made, entered, and effective SEP 09 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. CA3

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: September 9, 2008**

REGULAR _____ CONSENT X EFFECTIVE DATE _____ N/A _____

DATE: September 2, 2008

TO: Public Utility Commission

FROM: Celeste Hari *CH*

THROUGH: *AA for Lis* Lee Sparling, *BAC* Bryan Conway, *KM* Kay Marinos and *SH* 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 amendment to the previously negotiated interconnection agreement 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 or amendment is effective prior to that date is not enforceable.

Staff has reviewed the following amendment submitted for Commission approval:

Docket	Parties to the Amendment or Agreement
ARB 832(1)	Bandwidth.com CLEC, LLC and Qwest Corporation

Staff recommends approval of the amendment. Staff finds that the amendment does not discriminate against non-party telecommunications carriers and does 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 amendment.

PROPOSED COMMISSION MOTION:

The amendment to the previously negotiated interconnection agreement listed above be approved.

ARB Agreements