

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

ARB 868

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: AGREEMENT APPROVED**

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

**ORDER**

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

Made, entered, and effective DEC 12 2008.



*Michael Grant*

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**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.

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

REGULAR \_\_\_\_\_ CONSENT  X  EFFECTIVE DATE \_\_\_\_\_ N/A \_\_\_\_\_

DATE: December 1, 2008

TO: Public Utility Commission

FROM: Celeste Hari *CH*

THROUGH: *ur* Lee Sparling, *BAC* Bryan Conway, *YM* Kay Marinos and *AJ* 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 negotiated interconnection agreement.

**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 Commission approves it, and any provision stating that the parties' agreement or amendment is effective prior to that date is not enforceable.

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Staff has reviewed the following agreement submitted for Commission approval:

<b>Docket</b>	<b>Parties to the Amendment or Agreement</b>
ARB 868	Lightspeed Networks, Inc. dba LS Networks and Malheur Home Telephone Company

Staff recommends approval of the agreement. Staff finds that the agreement 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 agreement.

**PROPOSED COMMISSION MOTION:**

The interconnection agreement listed above be approved.

ARB Agreements