

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 23(7), ARB 895, ARB 896

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: AGREEMENTS AND AMENDMENT APPROVED

The Public Utility Commission of Oregon (Commission) Staff recommended approval of certain negotiated interconnection agreements and an amendment submitted pursuant to Section 252(e) of the Telecommunications Act of 1996 (Act). The identification of the agreements and 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 May 19, 2009, Public Meeting, the Commission adopted Staff's recommendation and approved the identified agreements and amendment. The Commission Staff concluded that there is no basis under the Act to reject the agreements and amendment. Accordingly, all agreements and the amendment listed in Staff's report are approved, effective from the date of the public meeting.

ORDER

IT IS ORDERED that the agreements and amendment identified in Appendix A are approved.

Made, entered, and effective MAY 22 2009.




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. CA12

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: May 19, 2009

REGULAR _____ CONSENT X EFFECTIVE DATE _____

DATE: May 8, 2009

TO: Public Utility Commission

FROM: Celeste Hari *CH*

THROUGH: *li* Lee Sparling, *BAC* Bryan Conway, *KM* Kay Marinos and *JS* 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 new negotiated interconnection agreements and the amendment to the previously approved 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

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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.

Staff has reviewed the following agreements and amendment submitted for Commission approval:

Docket	Parties to the Amendment or Agreement
ARB 23(7)	Verizon Wireless and Qwest Corporation
ARB 895	Astound Broadband, LLC and Qwest Corporation
ARB 896	Eltopia Communications, LLC and Qwest Corporation

Staff recommends approval of the agreements and amendment. Staff finds that the agreements and amendment 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 agreements or amendment.

PROPOSED COMMISSION MOTION:

The new interconnection agreements and the amendment to the previously approved agreement listed above be approved.