

ORDER NO. 11 167

ENTERED MAY 23 2011

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

ARB 509(19), ARB 219(29), ARB 443(14), ARB 775(2), ARB 401(11), ARB 792(2)

In the Matter of

PUBLIC UTILITY COMMISSION OF  
OREGON STAFF,

Request to approve Negotiated Interconnection  
Agreements and Amendments Submitted  
Pursuant to Section 252(e) of the  
Telecommunications Act of 1996.

ORDER

**DISPOSITION: AGREEMENTS AND AMENDMENTS APPROVED**

The Public Utility Commission of Oregon (Commission) Staff recommended approval of certain negotiated interconnection agreements and amendments submitted pursuant to Section 252(e) of the Telecommunications Act of 1996 (Act). The identification of the agreement(s) and amendment(s) 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 17, 2011 Public Meeting, the Commission adopted Staff's recommendation and approved the identified agreement(s) and amendment(s). The Commission Staff concluded that there is no basis under the Act to reject the agreement(s) and amendment(s). Accordingly, the agreement(s) and amendment(s) listed in Staff's report are approved, effective from the date of the public meeting.

**ORDER**

IT IS ORDERED that the agreement(s) and amendment(s) identified in Appendix A are approved.

Made, entered, and effective MAY 23 2011



A handwritten signature in black ink, appearing to read "Michael Grant".

**Michael Grant**  
Chief Administrative Law Judge  
Administrative Hearings Division

A party may request rehearing or reconsideration of this order under 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 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order to a court pursuant to applicable law.



**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: May 17, 2011**

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

DATE: May 6, 2011

TO: Public Utility Commission

FROM: Mitch Moore <sup>mm</sup>

THROUGH: Lee Sparling, <sup>LS</sup> Bryan Conway, <sup>BAC</sup> and Kay Marinos <sup>KM</sup>

**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 amendments to previously approved 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 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 new amendments to previously approved interconnection agreements submitted for Commission approval:

<b>Docket</b>	<b>Parties to the Amendment or Agreement</b>
ARB 509(19)	Lightspeed Networks, Inc. dba LS Networks and Qwest Corporation
ARB 219(29)	Integra Telecom of Oregon, Inc. and Qwest Corporation
ARB 443(14)	Electric Lightwave, LLC and Qwest Corporation
ARB 775(2)	Eschelon Telecom of Oregon, Inc. and Qwest Corporation
ARB 401(11)	Douglas Services, Inc. and Qwest Corporation
ARB 792(2)	CoastCom, Inc. and Qwest Corporation

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

#### **PROPOSED COMMISSION MOTION:**

The new amendments to the previously approved agreements listed above be approved.

ARB agreements May 6 11.doc