

ORDER NO. 12 335

ENTERED SEP 04 2012

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

ARB 910(4), ARB 302(28)

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: STAFF'S RECOMMENDATION ADOPTED

At its Public Meeting on August 28, 2012, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter, attached as Appendix A.

BY THE COMMISSION:



*Becky L. Beier*

**Becky L. Beier**  
Commission Secretary

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: August 28, 2012

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

DATE: August 20, 2012

TO: Public Utility Commission

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

THROUGH: Jason Eisdorfer, Bryan Conway, and Kay Marinos <sup>MM for Kay Marinos</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 amendments to previously approved agreements listed below, with the amendments to be considered legally enforceable on the date of Commission approval.

**DISCUSSION:**

47 U.S.C. Sections 252(a) and (e) (hereafter "Section 252") require 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).

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An interconnection agreement or amendment thereto is not legally enforceable until approved by a state commission. See Sections 252 (a) and (e). Accordingly, although the contracting parties may state in the agreement that each will abide by the agreement prior to its approval by the Commission, the legally enforceable date under Section 252 of any submitted agreement or amendment is the date the Commission approves it.

Staff has reviewed the following amendments to previously approved agreements submitted for Commission approval:

Docket	Parties to the Amendment or Agreement
ARB 910(4) ARB 302(28)	X5Solutions, Inc. and Qwest Corporation dba CenturyLink QC McLeodUSA Telecommunications Services, Inc. dba PAETEC Business Services dba Windstream Communications and Qwest Corporation dba CenturyLink QC

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 previously approved agreements listed above be approved.

ARB agreements 8-28-12.doc