

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: March 20, 2001**

**REGULAR AGENDA** \_\_\_ **CONSENT AGENDA** \_\_\_ **EFFECTIVE DATE** \_\_\_\_\_

**DATE:** March 5, 2001  
**TO:** Commissioners Eachus, Hamilton, and Smith  
**FROM:** Michael Grant, Administrative Law Judge  
**SUBJECT:** Docket AR 414 (Approval of Carrier-to-Carrier Agreements)

**SUMMARY RECOMMENDATION:**

Initiate a rulemaking proceeding to streamline procedures governing Commission approval of interconnection agreements submitted under Federal Telecommunications Act of 1996 (the 1996 Act).

**DISCUSSION:**

In Order No. 98-132, the Commission adopted rules governing arbitrations and mediations conducted under the 1996 Act. Among other things, the rules established procedures for Commission approval of agreements arrived at through negotiation. See OAR 860-016-0020.

Over the past few years, the Commission has approved over 300 agreements between carriers. While the rules have worked well, it has become clear that they should be amended to further streamline Commission review. For example, when the rules were originally adopted, the Commission anticipated that carriers not subject to the agreement would actively participate and regularly file comments on submitted agreements. For this reason, the rules currently require the Commission to serve notice on all persons who have indicated an interest in receiving such notice. See OAR 860-016-0020(3). However, while the notice list has numbered over 100, the Commission has yet to receive a single comment from any interested person other than Staff, who reviews every agreement and makes a recommendation to the Commission. The current notice requirements require significant time and resources, and ultimately slows down the Commission's review of submitted agreements.

In an effort to improve this time consuming and costly process and to address other areas of concern, I convened a workgroup of agency staff that assists the Commission in its review of the submitted agreements. After a series of discussions, the workgroup—comprised of Dave Booth, Celeste Hari, Cherie Powers and myself, as well as Mike Weirich from the Attorney General's office—proposes several rule changes as indicated in Appendix A.

The amended rules, if adopted, would change current procedures, as well as codify other agency practices recently developed to expedite Commission review of submitted agreements. For example, the amended rules expressly require the negotiating carriers to complete and submit a Checklist for Agreements under the 1996 Telecommunications Act. The checklist, which has been in use for several months and is available on the Commission's website, has helped simplify agency proceedings by providing a standardized summary of the submitted agreement. I have attached a copy of the checklist as Appendix B for your review.

More importantly, amended OAR 860-016-0020 would require the negotiating parties to include with their filing an electronic copy of the interconnection agreement and checklist. The Commission would provide notice of the application by posting the checklist and agreement on the agency website, and allow interested persons 21 days from the filing date to file comments. Other states currently require negotiating parties to submit electronic copies of agreements. See, e.g., Code of Colorado Regulations (CCR) 723-44-4.5. In addition to helping expedite the approval of agreements, this process also will give carriers and the Commission Staff access to an electronic database of carrier-to-carrier agreements.

The proposed rule changes also establish a new section to govern the adoption of previously approved agreements on file with the Commission. Currently, the agency has no specified procedure for review of these so-called "opt-in" or "adoption" agreements. Under proposed OAR 860-016-0025, the Commission would process these agreements on an expedited basis and will acknowledge a carrier's adoption by letter. These procedures would also apply when carriers have the option in the future to select an incumbent carrier's Statement of Generally Available Terms (SGAT).

Finally, the amended rules make minor housekeeping changes. For example, the definitions in amended OAR 860-016-0000 now reference the 1996 Act. In addition, the title of OAR 860-016-0020 is renamed to help follow the Act's distinction between agreements that are arrived at through negotiation and those arrived at through arbitration.

#### **STAFF RECOMMENDATION:**

I recommend that the Commission initiate a rulemaking proceeding to consider modifying the rules governing the approval of carrier-to-carrier agreements filed under the 1996 Act. With additional input from industry, I believe that the proceeding will result in revised rules that streamline and expedite the Commission's review of submitted agreements.