

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: January 20, 2009**

REGULAR _____ **CONSENT** X **EFFECTIVE DATE** _____ N/A

DATE: January 8, 2009

TO: Public Utility Commission

FROM: Celeste Hari

THROUGH: Lee Sparling, Bryan Conway, Kay Marinos and 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 amendments to previously approved 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

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 amendments submitted for Commission approval:

Docket	Parties to the Amendment or Agreement
ARB 317(4)	Bend Cable Data Services, LLC and Qwest Corporation
ARB 509(15)	LightSpeed Networks, Inc. dba LS Networks and Qwest Corporation
ARB 875	Comcast Phone of Oregon, LLC and Pioneer Telephone Cooperative
ARB 877	WaveSent LLC and Qwest Corporation
ARB 878	PageData LLC and Qwest Corporation

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

PROPOSED COMMISSION MOTION:

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