

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: March 24, 2009**

REGULAR _____ **CONSENT** X **EFFECTIVE DATE** _____

DATE: March 13, 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 the amendment to a 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 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 509(16)	Lightspeed Networks, Inc. dba LS Networks and Qwest Corporation
ARB 884	Coastcom, Inc and United Telephone Company of the Northwest dba Embarq
ARB 885	Smartrak Incorporated and United Telephone Company of the Northwest dba Embarq
ARB 886	DSLnet Communications, LLC and Qwest Corporation
ARB 888	AboveNet Communications, Inc. and Qwest Corporation
ARB 889	BLC Management, LLC dba Angles Communication Solutions and Qwest Corporation

Staff recommends approval of the agreement 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 a previously approved agreement listed above be approved.