

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: December 18, 2012**

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

**DATE:** December 7, 2012

**TO:** Public Utility Commission

**FROM:** Mitch Moore

**THROUGH:** Jason Eisdorfer, Bryan Conway, and Kay Marinos

**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 negotiated agreement and amendments to previously negotiated agreements listed below, with the agreement and 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).

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 agreement and amendments submitted for Commission approval:

<b>Docket</b>	<b>Parties to the Amendment or Agreement</b>
ARB 1017	Wallowa Valley Networks, LLC and Frontier Communications Northwest Inc.
ARB 854(3)	Pac-West Telecomm, Inc. and Qwest Corporation dba CenturyLink QC
ARB 538(2)	XO Communications Services, LLC and United Telephone of the Northwest dba CenturyLink

Staff recommends approval of the agreement and the amendments. Staff finds that the agreement and 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 agreement or the amendments.

**PROPOSED COMMISSION MOTION:**

The new negotiated agreement and amendments to previously negotiated agreements listed above be approved.