

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

ARB 425

In the Matter of )  
 )  
TRIBAL ONE BROADBAND ) STAFF COMMENTS  
TECHNOLOGIES and VERIZON )  
NORTHWEST INC., )  
 )  
Interconnection Agreement Submitted for )  
Commission Approval Pursuant to Section )  
252(e) of the Telecommunications Act of 1996. )

RECOMMENDATION: APPROVE AGREEMENT

On May 31, 2002, Tribal One Broadband Technologies and Verizon Northwest Inc. filed an interconnection agreement with the Public Utility Commission of Oregon (Commission). The parties seek approval of this agreement under Section 252(e) of the Telecommunications Act of 1996. The Commission provided notice by posting an electronic copy of the agreement on the World Wide Web, at: <http://www.puc.state.or.us/caragmnt/>. The Commission Staff (Staff) offers these comments.

Under the Act, the Commission must approve or reject an agreement reached through voluntary negotiation within 90 days of filing. The Commission may reject an agreement only if it finds that:

- (1) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (2) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.

Staff recommends approval of the agreement. Staff concludes that the agreement does not appear to discriminate against telecommunications carriers who are not parties to the agreement and does not appear to be inconsistent with the public interest, convenience, and necessity.

Staff notes that the stated effective date of the agreement is January 28, 2002, but the agreement was not filed with the Commission until May 31, 2002. Many agreements include effective dates that are prior to the filing date. However, this is an exceptionally long time between the parties' agreed effective date and filing, at which time the amendment becomes

available to the public. Staff believes this delay is not in the public interest and is an unacceptable practice. Staff cautions Verizon to avoid such lengthy delays in filing future amendments or agreement.

Staff notes that an interconnection agreement or amendment thereto has no effect or force until approved by a state Commission. *See* 47 U.S.C. Sections 251 (a) and (e). Accordingly, Staff points out that the effective date of this filing will be the date the Commission signs an order approving it, and that any provision stating that the parties' agreement is effective prior to that date is not enforceable.

Dated at Salem, this 19th day of June, 2002.

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**Celeste Hari**  
Telecommunications Analyst