

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ARB 623(5)

In the Matter of)
)
TIME WARNER TELECOM OF OREGON) STAFF COMMENTS
LLC and QWEST CORPORATION.)
)
Fifth Amendment to the Interconnection)
Agreement Submitted for Commission)
Approval Pursuant to Section 252(e) of the)
Telecommunications Act of 1996.)

RECOMMENDATION: APPROVE REVISED AMENDMENT

On June 14, 2005, Time Warner Telecom of Oregon LLC and Qwest Corporation filed a fifth amendment to the interconnection agreement previously approved by the Public Utility Commission of Oregon (Commission). The parties filed a revised version of the amendment on August 31, 2005. The parties seek approval of the revised amendment under Section 252(e) of the Telecommunications Act of 1996. The Commission provided notice by posting an electronic copy of the amendment 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 or amendment 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.

The original filing contained an incorrect statement regarding the Commission "approval" of SGAT filings. The Commission does not "approve" SGAT filings. The original amendment also contained vague language regarding which version of the SGAT applied to the filing. Staff could not recommend approval of the amendment as such. After discussion with the parties, a revised version of the amendment was filed with the Commission. The revised version

removes the incorrect statement and specifically states the version of the SGAT that applies to the amendment.

Staff recommends the Commission approve the revised amendment to the agreement. Staff concludes that the revised amendment 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 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, 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, Oregon this 7th day of September, 2005.

Celeste Hari
Telecommunications Analyst
Competitive Issues
Telecommunications Division