

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: November 30, 2021**

REGULAR CONSENT EFFECTIVE DATE _____ N/A _____

DATE: November 22, 2021

TO: Public Utility Commission

FROM: Bret Farrell

THROUGH: Bryan Conway, Caroline Moore, and Scott Gibbens **SIGNED**

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
Request to approve Negotiated Interconnection Agreement/Amendments submitted pursuant to Section 252(e) of the Telecommunications Act of 1996.

STAFF RECOMMENDATION:

Approve the new negotiated interconnection agreement and amendments listed below, with the new and amended agreements to be considered legally enforceable on the date of Commission approval.

DISCUSSION:

Issue

Whether the Commission should approve the new negotiated interconnection agreement and amendments.

Applicable Law

47 U.S.C. Sections 252(a) and (e) require that any negotiated interconnection agreement, including amendments to an existing agreement, be submitted to a state commission for approval before it may become legally enforceable.

OAR 860-016-0020 governs Commission review of interconnection agreements and amendments. Specifically:

- (3) After the parties reach agreement under Section 252(a) of the Act,

they must file an application with the Commission seeking approval of the agreement, or for approval of an amendment to an approved agreement on file with the Commission. The application must include the negotiated agreement and a completed Carrier-to-Carrier Agreement Checklist. A copy of the checklist is available on the Commission's website. The parties may also include any other supporting information with their application. The application and checklist must be filed electronically as required in OAR 860-001-0170.

(4) The Commission will approve or reject the agreement within 90 days of filing, with written findings as to any deficiencies. Prior to rejecting the agreement, the Commission will notify the negotiating parties of its intended action and provide an opportunity for the carriers to respond. The grounds for rejection are that the agreement:

(a) Discriminates against a carrier not a party to the agreement; or

(b) Is not consistent with the public interest, convenience, and necessity. Applicable Commission policies will be a factor in public interest, convenience, and necessity determinations.

Analysis

As noted above, an interconnection agreement or amendment thereto is not legally enforceable until approved by a state commission. See 47 U.S.C. Sections 252(a) and (e). Accordingly, Staff notes that 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 47 U.S.C. Section 252 of any submitted agreement or amendment is the date the Commission approves it.

Staff has reviewed the following new agreement and amendments organized by filing date and submitted for Commission approval:

Docket	Parties to the Agreement or Amendment
ARB 856(4)	Peerless Network of Oregon, LLC and Qwest Corporation dba CenturyLink QC
ARB 814(10)	Origin Networks, LLC dba Infostructure and Qwest Corporation dba CenturyLink QC
ARB 791(2)	Charter Fiberlink OR - CCVII LLC dba Charter Communications and Qwest Corporation dba CenturyLink QC
ARB 772(10)	MCImetro Access Transmission Services, LLC and Qwest Corporation dba CenturyLink QC

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| ARB 772(11) | MCImetro Access Transmission Services, LLC and Qwest Corporation dba CenturyLink QC |
| ARB 544(5) | BullsEye Telecom Inc. and Qwest Corporation dba CenturyLink QC |
| ARB 497(6) | Hunter Communication & Technologies, LLC dba Hunter Construction Inc., and Core Digital Services and Qwest Corporation dba CenturyLink QC |
| ARB 212(1) | PriorityOne Telecommunications Inc and Qwest Corporation dba CenturyLink QC |
| ARB 212(2) | PriorityOne Telecommunications Inc and Qwest Corporation dba CenturyLink QC |
| ARB 142(25) | XO Communications Services, LLC and Qwest Corporation dba CenturyLink QC |
| ARB 142(26) | XO Communications Services, LLC and Qwest Corporation dba CenturyLink QC |
| ARB 1098(1) | RCLEC, Inc and Qwest Corporation dba CenturyLink QC |
| ARB 1098(2) | RCLEC, Inc and Qwest Corporation dba CenturyLink QC |
| ARB 1094(2) | Clear Rate Communications, Inc. and Qwest Corporation dba CenturyLink QC |

Conclusion

Staff recommends approval of the agreement and amendments. Staff finds that the new and amended agreement does not discriminate against non-party telecommunications carriers and does 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 amendments.

PROPOSED COMMISSION MOTION:

Approve the new negotiated interconnection agreement and amendments listed above.