

Decision No. C03-0757

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03T-261

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF RESALE
INTERCONNECTION AGREEMENT BETWEEN QWEST CORPORATION AND
AMERICAN FIBER NETWORK, INC.

**DECISION APPROVING REPORT OF
ADOPTION OF PREVIOUSLY APPROVED
INTERCONNECTION AGREEMENT**

Mailed Date: July 11, 2003
Adopted Date: July 9, 2003

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Colorado Public Utilities Commission (Commission) on the submittal of a Report of Adoption of Previously Approved Interconnection Agreement (Report of Adoption) filed by Qwest Corporation (Qwest) and American Fiber Network, Inc. (American Fiber), pursuant to Commission Rule 4 *Code of Colorado Regulations* (CCR) 723-44-6.¹

2. The parties filed this Report of Adoption on May 22, 2002. American Fiber has elected to adopt the previously approved interconnection agreement, and any associated amendments, between Qwest and Wasichaq, LLC, that was approved in Docket No. 03T-165 by Decision No. C03-0608, in its entirety.

¹ Colorado Public Utilities Commission Rules Establishing Procedures Relating to Interconnection Agreements, and any Amendment to Interconnection Agreements Within Colorado by Telecommunications Carriers.

3. The parties have complied with the requirements of 4 CCR 723-44 *et seq.* for the submission for approval of interconnection agreements. Additionally, the Report of Adoption contains all information required in 4 CCR 723-44-6.

4. Pursuant to § 252(i) of the Telecommunications Act of 1996 (Act), 47 U.S.C. § 252(i), an incumbent local exchange carrier (ILEC) shall make available any interconnection, service, or network element provided under an agreement or amendment previously approved by this Commission to which the ILEC is a party to any other requesting local exchange carrier upon the same terms and conditions as those provided in the agreement.

5. Section 47 U.S.C. § 251 *et seq.* of the Act requires that the Commission review and approve or reject interconnection agreements involving ILECs like Qwest. To comply with the Act, rates in negotiated agreements must be just and reasonable, nondiscriminatory, and based on the cost of providing the interconnection or network element. 47 U.S.C. § 252(e). In reviewing agreements or portions thereof, the Commission, generally, is guided by 47 U.S.C. § 252(e)(2), requiring that interconnection agreements not discriminate against non-parties and be consistent with the public interest, convenience, and necessity.

6. We find it consistent with the terms of the agreement, the directives of the Act, and the spirit of our own interconnection agreement rules to approve the Report of Adoption subject to our own rules and general rate-making proceedings.

II. ORDER

A. The Commission Orders That:

1. The joint filing of a Report of Adoption by Qwest Corporation and American Fiber Network, Inc., to adopt in its entirety, the terms and conditions of the Interconnection Agreement between Qwest Corporation and Wasichaq, LLC is approved.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 9, 2003.**

(SEAL)



ATTEST: A TRUE COPY

Bruce N. Smith

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners