

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 02T-648

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IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION  
AGREEMENT BETWEEN QWEST CORPORATION AND DESIGN EVOLUTION, LLC  
D\B\A NEXUS DSL.

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

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Mailed Date: January 3, 2003  
Adopted Date: December 30, 2002

**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 Statement of Generally Available Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services and Resale of Telecommunications Services (SGAT) filed by Qwest Corporation (Qwest) and Design Evolution, LLC, doing business as Nexus DSL (Design Evolution), pursuant to Commission Rule 4 *Code of Colorado Regulations* (CCR) 723-44-6.<sup>1</sup>

2. The parties filed this Report of Adoption on December 12, 2002. Design Evolution has elected to adopt the previously approved terms and conditions contained in Qwest's Eighth Revised SGAT approved in Commission Decision No. C02-739, issued July 2, 2002, in Docket No. 02M-260T, as amended by the Commission by Decision No. C02-932 on

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

August 2, 2002, in its entirety, without modification. Commission Rule 4 CCR 723-44-4.3.2 allows an effective Commission-approved SGAT to be the subject of a Report of Adoption.

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. Part 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. The Commission has previously approved the rates, terms, and conditions in the SGAT adopted by the parties. 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 Design Evolution, LLC, doing business as Nexus DSL, to adopt in its entirety, the terms and conditions of the Statement of Generally Available Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services and Resale of Telecommunications Services, is approved.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
December 30, 2002.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RAYMOND L. GIFFORD

POLLY PAGE

JIM DYER

Commissioners