

Decision No. C03-0025

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02T-031

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION
AGREEMENT BETWEEN QWEST CORPORATION AND FORETHOUGHT.NET.

**DECISION GRANTING JOINT MOTION FOR
APPROVAL OF AMENDMENT TO THE
INTERCONNECTION AGREEMENT**

Mailed Date: January 8, 2003
Adopted Date: January 8, 2003

I. BY THE COMMISSION:

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest), and foreThought.net for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement was approved by the Commission in Decision No. C02-101, issued January 31, 2002.

2. The parties filed this Amendment on November 15, 2002. The parties have agreed to amend the Agreement to add rates, terms, and conditions for collocation available inventory, as set forth in the Amendment referred to as the Collocation Available Inventory Amendment to the Agreement.

3. Any amended rates proposed here are at issue in Docket No. 99A-577T and are subject to influence by decisions in Docket Nos. 02M-259T and 02M-260T. Additionally, the terms and conditions of the Agreement are all matters addressed in the Statement of Generally Available Terms and Conditions Docket No. 97I-198T, and may be affected by decisions in

Docket Nos. 99A-577T, 02M-259T, and 02M-260T. Upon completion of these dockets, foreThought.net may pick and choose the rates and terms from those dockets favorable to it by virtue of § 252(i) of the Telecommunications Act of 1996 (Act), 47 U.S.C. § 252(i), which states that:

[a] local exchange carrier shall make available any interconnection, service, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.

4. Part 47 U.S.C. § 251 *et seq.*, of the Act requires that the Commission review and approve or reject interconnection agreements involving incumbent local exchange carriers 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.

5. The Commission has not previously approved all the amended terms and conditions proposed here. However, 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 present amended terms and conditions subject to our own rules and general ratemaking proceedings.

II. ORDER

A. The Commission Orders That:

1. The joint motion of Qwest Corporation and foreThought.net to amend their Interconnection Agreement is granted.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 8, 2003.**

(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

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