

Decision No. C03-0338

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

DOCKET NO. 00T-438

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RE: THE APPLICATION FOR APPROVAL OF ARBITRATED INTERCONNECTION  
AGREEMENT BETWEEN QWEST CORPORATION AND SPRINT COMMUNICATIONS  
COMPANY LP.

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

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Mailed Date: April 2, 2003  
Adopted Date: April 2, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission on the joint motion of Qwest Corporation, formerly known as U S WEST Communications, Inc. (Qwest), and Sprint Communications Company L.P. (Sprint) for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement between Qwest and Sprint for the provision of local exchange services was approved by the Commission in Decision No. C00-939 issued August 29, 2000, and subsequently amended.

2. The parties filed this Amendment on February 27, 2003. The parties have voluntarily negotiated and have agreed to further amend the Agreement to add rates, terms, and conditions for CLEC-to-CLEC Cross Connections.

3. Under the terms of the 47 U.S.C. § 252(i) “pick and choose” provision of the Act, Sprint may at some future date opt into the rates, terms, and conditions of Commission approved

and currently effective agreements, amendments, Statements of Generally Available Terms and Conditions or tariffs:

[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. Section 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, formerly known as U S WEST Communications, Inc., and Sprint Communications Company, L.P., to amend their Interconnection Agreement is granted.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
April 2, 2003.**

(S E A L)



**ATTEST: A TRUE COPY**

**Bruce N. Smith  
Director**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**GREGORY E. SOPKIN**

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**JIM DYER**

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Commissioners