

Decision No. C03-0370

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

DOCKET NO. 99T-067

---

RE: THE APPLICATION FOR APPROVAL OF INTERCONNECTION AGREEMENT  
BETWEEN U S WEST COMMUNICATIONS, INC. AND DIECA COMMUNICATIONS, INC.  
D/B/A COVAD COMMUNICATIONS COMPANY.

---

**DECISION APPROVING REPORT OF ADOPTION OF  
PREVIOUSLY APPROVED AMENDMENT**

---

Mailed Date: April 10, 2003

Adopted Date: April 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 filed by Qwest Corporation (Qwest) and DIECA Communications, doing business as Covad Communications (Covad), pursuant to Commission Rule 4 *Code of Colorado Regulations* 723-44-6.<sup>1</sup> The original Interconnection Agreement (Agreement) between Qwest and Covad for the provision of Qwest's local exchange services was approved by the Commission in Decision No. C99-319, issued March 26, 1999, as amended by Decision No. C01-445, issued May 2, 2001.

2. The parties filed this Report of Adoption on April 1, 2003. The parties have agreed to amend their Agreement to add terms and conditions for Collocation Available Inventory. Other Collocation Available Inventory Amendments have been approved by the

---

<sup>1</sup> Colorado Public Utilities Commission Rules Establishing Procedures Relating to Submission for Approval of Interconnection Agreements, and any Amendments to Interconnection Agreements within Colorado by Telecommunications Carriers.

Commission, specifically Decision Nos. C03-0028, C03-0026, and C03-0025 on January 8, 2003.

3. The parties have complied with the requirements of 4 CCR 723-44 *et seq.* for the submission for approval of amendments to 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(d). 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 amended rates, terms, and conditions in the Amendments adopted by the parties. We find it consistent with the terms of the Agreement, the Act, and the interconnection agreement rules to approve the Report of Adoption subject to our own rules and general rate-making proceedings.

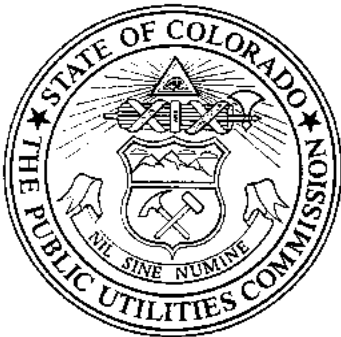
**II. ORDER****A. The Commission Orders That:**

1. The joint filing of a Report of Adoption by Qwest Corporation and DIECA Communications, Inc., doing business as Covad Communications Company to amend their Interconnection Agreement is granted.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
April 9, 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

POLLY PAGE

JIM DYER

Commissioners