

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03T-128

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION
AGREEMENT BETWEEN QWEST CORPORATION AND KMC TELECOM V, INC.

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

Mailed Date: April 18, 2003
Adopted Date: April 16, 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 Qwest's Statement of Generally Available Terms and Conditions (SGAT) filed by Qwest Corporation (Qwest) and KMC Telecom V, Inc. (KMC), pursuant to Commission Rule 4 *Code of Colorado Regulations* (CCR) 723-44-6.¹

2. The parties filed this Report of Adoption on April 1, 2003. KMC has elected to adopt Qwest's SGAT for Interconnection, Unbundled Network Elements, Ancillary Services, and Resale of Telecommunications Services Eighth Revision, filed on April 29, 2002, as subsequently amended in compliance filings on June 13 and 28, 2002, and as approved by the Commission on July 2, 2002, in Decision No. C02-739 in Docket No. 02M-260T and as further amended in accordance with Decision No. C02-932, issued August 29, 2002. Additionally,

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

pursuant to Commission Decision No. C03-0031, issued January 10, 2003 in Docket No. 02M-259T, the changes approved to the Colorado Performance Assurance Plan and Performance Indicator Definitions in that decision will apply to Exhibits B and K of the Agreement without further amendment.

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. The Commission has previously approved the rates, terms, and conditions in the agreement adopted by the parties. We find it consistent with the terms of the agreement, the Act,

and 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 KMC Telecom V, Inc., to adopt in its entirety, the terms and conditions of Qwest Corporation's Statement of Generally Available Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services, and Resale of Telecommunications Services, Eighth Revision is granted.

2. This Order is effective on its Mailed Date.

B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING April 16, 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