

Decision No. C03-0400

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 01T-238

RE: THE APPLICATION FOR APPROVAL OF INTERCONNECTION AGREEMENT
BETWEEN QWEST CORPORATION AND CBeyond COMMUNICATIONS, LLC.

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

Mailed Date: April 21, 2003
Adopted Date: March 26, 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 Cbeyond Communications, LLC (Cbeyond) for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement was approved by the Commission in Decision No. C01-712 issued July 13, 2001.

2. The parties filed this Amendment on January 29, 2003. The parties have agreed to amend the Agreement to add the terms, conditions, and rates for Private Switch/Automatic Location Identification Service and Collocation Available Inventory as set forth in Attachments 1 and 2, and Exhibit A to the Attachments.

3. Under the terms of the 47 U.S.C. § 252(i) “pick and choose” provision of the Act, CBeyond 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 Act, and 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 Cbeyond Communications, LLC to amend their Interconnection Agreement is granted.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 26, 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

JIM DYER

Commissioners

COMMISSIONER POLLY PAGE ABSENT.