

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 97T-202

RE: THE APPLICATION FOR APPROVAL OF WIRELESS INTERCONNECTION AGREEMENT BETWEEN U S WEST COMMUNICATIONS, INC. AND CELLULAR ONE OF NORTHEAST COLORADO, INC., NOW KNOWN AS NE COLORADO CELLULAR, INC.

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

Mailed Date: April 24, 2003

Adopted Date: April 23, 2003

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest), and Cellular One of Northeast Colorado, Inc., now known as NE Colorado Cellular, Inc. (Cellular), for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement for the provision of Qwest's local exchange services was approved by the Commission in Decision No. C97-715, issued July 18, 1997.

2. The parties filed this Amendment on March 11, 2003. The parties have agreed to amend the Agreement to add rates, terms, and conditions for Collocation.

3. Under the terms of the 47 U.S.C. § 252(i) "pick and choose" provision of the Act, Cellular 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 the 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:

6. The joint motion of Qwest Corporation and NE Colorado Cellular, Inc., to amend their Interconnection Agreement is granted.

7. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 23, 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