

Decision No. C03-0518

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02T-648

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION
AGREEMENT BETWEEN QWEST CORPORATION AND DESIGN EVOLUTION, LLC
D\B\A NEXUS DSL.

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

Mailed Date: May 16, 2003

Adopted Date: May 7, 2003

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest) and Design Evolution, LLC, doing business as Nexus DSL (Nexus) for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C03-0006, issued January 3, 2003.

2. The parties filed this Amendment on March 31, 2003. The parties have agreed to amend the Agreement to change the insurance provisions of Statement of Generally Available Terms and Conditions (SGAT) Section 5.6.1.4 relating to Field Connection Point or Cross Connect Collocation. For those two types of collocation only, for umbrella/excess liability insurance requirements, Nexus is required to carry \$2,000,000 excess of Commercial General Liability Insurance. In the event that Nexus orders any other type of collocation, the \$10,000,000 umbrella/excess liability insurance requirement shall apply.

3. Under the terms of the 47 U.S.C. § 252(i) “pick and choose” provision of the Act, Nexus may at some future date opt into the rates, terms, and conditions of Commission approved and currently effective agreements, amendments, SGATs, 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 directives of 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 and Nexus DSL to amend their Interconnection Agreement is granted.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 7, 2003.**

(S E A L)



ATTEST: A TRUE COPY

**Bruce N. Smith
Director**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

POLLY PAGE

JIM DYER

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT.