

Decision No. C03-0534

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

Mailed Date: May 20, 2003
Adopted Date: May 16, 2003

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest) and DIECA Communications, Inc., doing business as Covad Communications Company (Covad) for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C99-319, issued March 26, 1999 and subsequently amended.

2. The parties filed this Amendment on April 1, 2003. The parties have agreed to amend the Agreement to add rates, terms, and conditions for Joint Testing at the Interconnection Collocation Distribution Frames.

3. Under the terms of the 47 U.S.C. § 252(i) “pick and choose” provision of the Act, Covad 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 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 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
May 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