

Decision No. C03-0552

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 00B-601T

IN THE MATTER OF THE PETITION OF LEVEL 3 COMMUNICATIONS LLC FOR
ARBITRATION PURSUANT § 252(B) OF THE TELECOMMUNICATIONS ACT OF
1996 TO ESTABLISH AN INTERCONNECTION AGREEMENT WITH QWEST
COMMUNICATIONS, INC.

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

Mailed Date: May 27, 2003
Adopted Date: May 21, 2003

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest) and Level 3 Communications LLC (Level 3) for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C01-1178, issued November 19, 2001, as subsequently amended.

2. The parties filed this Amendment on April 9, 2003. The parties have agreed to amend the Agreement to replace their existing rates with new rates approved in Colorado Cost Docket No. 99A-577T, Decision Nos. C02-409 and C02-636.

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

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 21, 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