

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 03T-262

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IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION  
AGREEMENT BETWEEN QWEST CORPORATION AND OMNETRIX INTERNATIONAL,  
INC.

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**DECISION APPROVING REPORT OF  
ADOPTION OF PREVIOUSLY APPROVED  
INTERCONNECTION AGREEMENT**

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Mailed Date: July 11, 2003

Adopted Date: July 9, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Colorado Public Utilities Commission (Commission) on the submittal of a Report of Adoption of Qwest's Statement of Generally Available Terms and Conditions (SGAT) filed by Qwest Corporation (Qwest) and Omnetrix, International, Inc. (Omnetrix), pursuant to Commission Rule 4 *Code of Colorado Regulations* (CCR) 723-44-6.<sup>1</sup>

2. The parties filed this Report of Adoption on April 20, 2003. Omnetrix has elected to adopt Qwest's Ninth Revised Statement of Generally Available Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services, and Resale of Telecommunications Services. The Ninth Revised SGAT became effective on May 3, 2003 pursuant to Commission Decision No. C03-0464, mailed May 5, 2003. On June 13, 2003,

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<sup>1</sup> Colorado Public Utilities Commission Rules Establishing Procedures Relating to Interconnection Agreements, and any Amendment to Interconnection Agreements Within Colorado by Telecommunications Carriers.

consistent with that decision, Qwest filed a revised Exhibit C and Exhibit G to the Ninth Revised SGAT and a revised Colorado PUC Tariff No. 22.

3. The parties have complied with the requirements of 4 CCR 723-44 *et seq.* for the submission for approval of interconnection agreements. Additionally, the Report of Adoption contains all information required in 4 CCR 723-44-6.

4. Pursuant to § 252(i) of the Telecommunications Act of 1996 (Act), 47 U.S.C. § 252(i), an incumbent local exchange carrier (ILEC) shall make available any interconnection, service, or network element provided under an agreement or amendment previously approved by this Commission to which the ILEC is a party to any other requesting local exchange carrier upon the same terms and conditions as those provided in the agreement.

5. Section 47 U.S.C. § 251 *et seq.* of the Act requires that the Commission review and approve or reject interconnection agreements involving ILECs 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.

6. We find it consistent with the terms of the agreement, the Act, and of our own interconnection agreement rules to approve the Report of Adoption subject to our own rules and general rate-making proceedings.

**II. ORDER****A. The Commission Orders That:**

1. The joint filing of a Report of Adoption by Qwest Corporation and Omnetrix International, Inc., to opt into in its entirety, the terms and conditions of Qwest Corporation's Ninth Revised Statement of Generally Available Terms and Conditions for Interconnection, including revised Exhibit C and Exhibit G is granted

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
July 9, 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