

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03T-222

IN THE MATTER OF THE APPROVAL OF INTERCONNECTION AGREEMENT
BETWEEN QWEST CORPORATION AND LIGHTYEAR COMMUNICATIONS, INC.

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

Mailed Date: July 11, 2003
Adopted Date: July 9, 2003

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation, (Qwest) and Lightyear Communications, Inc. (Lightyear), for approval of an Amendment to their Interconnection Agreement (Agreement). The Interconnection Agreement between Qwest and Lightyear for the provision of local exchange services (Agreement) was approved by the Commission on May 22, 2003.

2. The parties filed this Amendment on May 30, 2003. The parties have agreed to amend the Agreement by adding terms and conditions for a Bill and Keep compensation mechanism for Internet Service Provider (ISP) bound traffic to reflect Federal Communications Commission Order 01-131, in CC Docket 99-68, *Intercarrier Compensation for ISP-Bound Traffic*, and with prior decisions of this Commission that set rates for ISP bound traffic at zero.

3. Section 47 U.S.C. § 251 *et seq.* of the Telecommunications Act (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.

4. We find it consistent with the terms of the Agreement, the directives of the Act, and the spirit of 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 Lightyear Communications, Inc., to amend their Interconnection Agreement 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