

Decision No. C03-0756

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02T-202

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION
AGREEMENT BETWEEN QWEST CORPORATION AND GRAND VALLEY INTERNET,
INC.

**DECISION APPROVING REPORT OF ADOPTION OF
PREVIOUSLY APPROVED AMENDMENT**

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 a Previously Approved Amendment (Report of Adoption) filed by Qwest Corporation (Qwest) and Grand Valley Internet, Inc. (Grand Valley), pursuant to Commission Rule 4 *Code of Colorado Regulations* (CCR) 723-44-6.¹ The original Interconnection Agreement (Agreement) between Qwest and Grand Valley for the provision of Qwest's local exchange services was approved by the Commission in Decision No. C02-526 issued May 8, 2002 as amended.

2. The parties filed this Report of Adoption on June 18, 2003. The parties have agreed to amend their Agreement by adding terms and conditions for a Bill and

¹ Colorado Public Utilities Commission Rules Establishing Procedures Relating to Submission for Approval of Interconnection Agreements, and any Amendments to Interconnection Agreements within Colorado by Telecommunications Carriers.

Keep compensation mechanism for Internet Service Provider (ISP) bound traffic. This is consistent with Federal Communications Commission Order 01-131, in CC Docket 00-68, *Intercarrier Compensation for ISP-Bound Traffic* and with prior decisions of this Commission. The same amendment was approved in Decision No. C03-0456, in Docket No. 03T-100.

3. The parties have complied with the requirements of 4 CCR 723-44 *et seq.* for the submission for approval of amendments to 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(d). 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 the interconnection agreement rules to approve the Report of Adoption subject to our own rules and general rate-making proceedings.

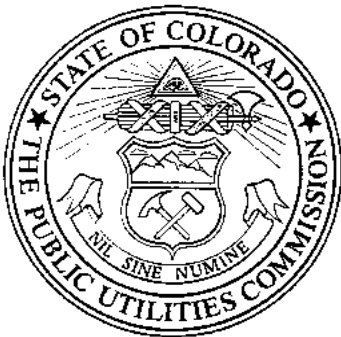
II. ORDER

A. The Commission Orders That:

1. The joint filing of a Report of Adoption by Qwest Corporation and Grand Valley Internet, 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

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners