

Decision No. C03-0784

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

DOCKET NO. 99T-438

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RE: THE APPLICATION FOR APPROVAL OF INTERCONNECTION AGREEMENT  
BETWEEN U S WEST COMMUNICATIONS, INC. AND ALLEGIANCE TELECOM OF  
COLORADO.

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

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Mailed Date: July 17, 2003  
Adopted Date: July 16, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest), and Allegiance Telecom of Colorado (Allegiance) for approval of an amendment to their original Interconnection Agreement (Agreement). The Agreement was approved by the Commission in Decision No. C99-1195 issued November 3, 1999, as further amended.

2. The parties filed these amendments on June 10, 2003, and have agreed to further amend the Agreement to add rates and conditions for Access to Signaling which, with some exceptions, incorporates the same language as Qwest's Statement of Generally Available Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services, and Resale of Telecommunications Services, Ninth Revision (SGAT).

3. Certain rates indicated in Exhibit A to the Amendment have been approved by the Commission in Section 9.14 of Qwest's Ninth Revised SGAT. However, other charges are unique because they cover services that are not in the SGAT.

4. Under the terms of the 47 U.S.C. § 252(i) "pick and choose" provision of the Act, Allegiance may at some future date opt into the rates, terms, and conditions of Commission approved and currently effective agreements, amendments, SGATs, 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.

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 convenience and necessity.

5. The Commission has not previously approved all of the amended rates and conditions proposed here. However, 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 rates subject to our own rules and general ratemaking proceedings.

**II. ORDER**

**A. The Commission Orders That:**

1. The joint motion of Qwest Corporation and Allegiance Telecom of Colorado to amend their Interconnection Agreement is granted.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
July 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