

Decision No. C03-0853

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 01T-019

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION
AGREEMENT BETWEEN QWEST CORPORATION AND MCLEODUSA
TELECOMMUNICATIONS SERVICES, INC.

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

Mailed Date: August 4, 2003
Adopted Date: August 1, 2003

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest) and McLeodUSA Telecommunications Services, Inc. (McLeod), for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C01-156, issued February 16, 2001.

2. The parties filed this Amendment on June 18, 2003. The parties have agreed to amend the Agreement by continuing rates, terms, and conditions already contained in their Agreement for a Bill and Keep compensation mechanism for Internet Service Provider bound traffic on a month-to-month basis.

3. Under the terms of the 47 U.S.C. § 252(i) “pick and choose” provision of the Act, McLeod 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 or 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. We find it consistent with the directives of the Act, and our own interconnection agreement rules to approve the present 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 McLeodUSA Telecommunications Services, Inc., to amend their Interconnection Agreement is granted.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 1, 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