

Decision No. C03-0882

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 GRANTING JOINT
MOTION FOR AMENDMENT TO THE
INTERCONNECTION AGREEMENT**

Mailed Date: August 11, 2003

Adopted Date: August 8, 2003

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest) and Grand Valley Internet, Inc. (Grand Valley), for approval of an amendment to their original Interconnection Agreement (Agreement). The Agreement was approved by the Commission in Decision No. C01-526 issued May 8, 2002, as further amended.

2. The parties filed these amendments on June 27, 2003, and have agreed to further amend the Agreement to add rates and conditions for Access to Signaling (SS7), 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). 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.

3. Under the terms of the 47 U.S.C. § 252(i) “pick and choose” provision of the Act, Grand Valley 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.

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 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 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 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
August 8, 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