

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 96A-329T

RE: IN THE MATTER OF TCG COLORADO PETITION FOR ARBITRATION PURSUANT TO SECTION 252(B) OF THE TELECOMMUNICATIONS ACT OF 1996 TO ESTABLISH AN INTERCONNECTION AGREEMENT WITH U S WEST COMMUNICATIONS, INC.

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

Mailed Date: August 15, 2003
Adopted Date: August 13, 2003

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest) and TCG-Colorado (TCG) for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C97-50.

2. The parties filed this Amendment on July 10, 2003. The parties have agreed to amend the Agreement to add rates, terms, and conditions for Unbundled Network Elements-Platform Combinations Line Splitting, Loop Splitting, UNE-Combinations and Interpretation and Construction Language. Attachments 1-3 of the Amendment are from the UNE Section 9.0 of the Ninth Revised Statement of Generally Available Terms and Conditions (SGAT) which became effective on May 3, 2003, pursuant to Commission Decision No. C03-0464, effective May 5, 2003. However, Attachment 4 to the Amendment is negotiated language. The recurring

and nonrecurring rates are found in Section 9.4, Line Sharing, of the Ninth revised SGAT, Exhibit A, and are available to all facilities-based competitive local exchange carriers.

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

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 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 TCG Colorado to amend their Interconnection Agreement is granted.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 13, 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