

Decision No. C03-0908

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

DOCKET NO. 97T-564

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IN THE MATTER OF THE APPLICATION FOR APPROVAL OF WIRELESS  
INTERCONNECTION AGREEMENT BETWEEN U S WEST COMMUNICATIONS,  
INC. WHOLESALE LOCAL MARKETS DIVISION AND U S WEST COMMUNICATIONS,  
INC. ACCESS DIVISION.

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

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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, formerly known as U S WEST Communications, Inc. (Qwest), and Qwest Wireless, LLC (Qwest Wireless) for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C98-64 issued January 20, 1998.

2. The parties filed this Amendment on July 11, 2003. The parties have agreed to amend the Agreement to add terms and conditions for a Bill and Keep compensation mechanism for Internet Service Provider (ISP) bound traffic. This is consistent with Federal

Communications Commission Order 01-131, in CC Docket No. 99-68, *Intercarrier Compensation for ISP-Bound Traffic*, and with prior decisions of the Commission.<sup>1</sup>

3. Under the terms of the 47 U.S.C. § 252(i) “pick and choose” provision of the Act, Qwest Wireless 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 and 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 amended terms and conditions subject to our own rules and general ratemaking proceedings.

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<sup>1</sup> *In the Matter of the Petition of Sprint Communications Company, LP for Arbitration Pursuant to U.S. Code § 252(B) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with U S West Communications, Inc.*, Docket No. 00B-011T, Decision No. C00-479, Mailed Date May 5, 2000; *In the Matter of Petition by ICG Telecom Group, Inc. for Arbitration of an Interconnection Agreement with U S West Communications, Inc., Pursuant to § 252(B) of the Telecommunications Act of 1996*, Docket No. 00B-103T, Decision No. C00-858, Mailed Date August 7, 2000; *In the Matter of Petition of Level 3 Communications, LLC, for Arbitration Pursuant to § 252(B) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with Qwest Corporation*, Docket No. 00B-601T, Decision No. C01-312, Mailed Date March 30, 2001.

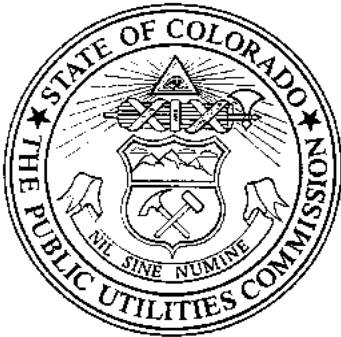
**II. ORDER****A. The Commission Orders That:**

1. The joint motion of Qwest Corporation, formerly known as U S WEST Communications, Inc., and Qwest Wireless, LLC, formerly known as U S WEST Wireless, LLC 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