

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03T-302

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION
AGREEMENT BETWEEN QWEST CORPORATION AND LSSI CORPORATION.

**DECISION GRANTING APPLICATION FOR
APPROVAL OF DIRECTORY ASSISTANCE LIST
AGREEMENT AND AMENDMENT**

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

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Colorado Public Utilities Commission (Commission) for consideration of an Application for Approval of a Directory Assistance List Agreement (Agreement) and Amendment filed by Qwest Corporation, formerly U S WEST Communications, Inc. (Qwest), on July 10, 2003. The Application seeks approval of the negotiated Agreement, dated July 28, 1998, and Amendment Number One to the Agreement, dated October 16, 2002. The Agreement and Amendment are between Qwest and LSSi Corp., formerly known as Listing Services Solutions, Inc. (LSSi). Qwest represents that it filed the Agreement and Amendment out of caution to ensure compliance with any filing obligations.

2. The Agreement states that Qwest would provide to LSSi: 1.) end user name; 2.) end user address; and 3.) end user published or non-listed telephone number, or an indication of non-published status (DA List Information). Qwest states that LSSi uses the DA List Information to provide directory assistance services on behalf of, or as an agent of a carrier.

3. The Amendment amends the underlying Agreement on the permitted and restricted uses of DA List Information, such that LSSi can use the information for the purposes of directory assistance services and directory publishing.

4. Commission Staff indicates that DA List Information is offered as an unbundled service in Section 10.6 of Qwest's Ninth Revised Statement of Generally Available Terms and Conditions (SGAT). As such, the Agreement qualifies as an Interconnection Agreement.

5. The Application is filed pursuant to the Commission's Rules Establishing Procedures Relating to the Submission for Approval of Interconnection Agreements, and any Amendments to Interconnection Agreements within Colorado by Telecommunications Carriers, 4 *Code of Colorado Regulations (CCR)* 723-44 (Interconnection Agreement Rules) and 47 U.S.C. § 252(a)(1). As part of their Application, Qwest attached the LSSi Agreement and Amendment.

6. Pursuant to 4 *CCR* 723-44-5.6 of the Interconnection Agreement Rules, notice of the submitted Application was given to the public. Interested persons were given an opportunity to file comments within 30 days of the notice. No comments were filed with the Commission. Likewise, no person has sought to intervene in this matter.

7. Now being duly advised in the premises, we will grant the Application.

B. Background

8. The Application, Agreement, and Amendment were submitted following the successful completion of voluntary negotiations between Qwest and LSSi. The requirements of Rule 44 have been included in the Application.

9. Pursuant to 4 CCR 723-44-5.7.3, the Commission shall approve or reject this negotiated Agreement and subsequent amendment within 90 days after submission by the parties; otherwise the Agreement and amendment shall be deemed approved.

10. In deciding whether to approve or reject the Agreement and Amendment, the Commission follows the Interconnection Agreement Rules. Those rules were promulgated to implement certain directives set forth in the Telecommunications Act of 1996 (Act), 47 U.S.C. § 251 *et seq.*

11. The Act sets forth the procedures for negotiation, arbitration, and approval of interconnection agreements and subsequent amendments between telecommunications providers. Notably, 47 U.S.C. §§ 252(a) and (e) mandate that all interconnection agreements and amendments between providers shall be submitted to the State commission (*e.g.*, the Colorado Public Utilities Commission) for review. The State commission may approve or reject any submitted agreement or amendment in accordance with the standards listed in 47 U.S.C. § 252(e)(2) (commission may reject an agreement adopted by negotiation if it discriminates against a telecommunications carrier not a party to the agreement or if the implementation of such agreement is not consistent with the public interest, convenience, and necessity).

12. In pertinent part, 47 U.S.C. § 251 and the regulations promulgated by the Federal Communications Commission (FCC) require telecommunications carriers to interconnect their facilities and equipment. 47 U.S.C. § 251(a). The Act further imposes upon all local exchange carriers duties concerning resale, number portability, dialing parity, access to rights-of-way, and reciprocal compensation. 47 U.S.C. § 251(b). Additionally, the Act obligates incumbent local exchange carriers to negotiate in good faith the particular terms and conditions of

interconnection agreements for the transmission and routing of telephone exchange service and exchange access. 47 U.S.C. § 251(c). The FCC's regulations implementing 47 U.S.C. § 251 are codified at 47 C.F.R. pt. 51.

13. Section 47 U.S.C. § 252(d) addresses pricing standards. In order to comply with this section, rates for interconnection and network elements must be just and reasonable, nondiscriminatory, and based on the cost of providing the interconnection or network element. This section also deals with charges for the transportation and termination of traffic and with wholesale prices for telecommunications services.

14. Since 47 U.S.C. § 252(e) compels State commissions to review interconnection agreements between telecommunications carriers, the Commission adopted the Interconnection Agreement Rules to establish the procedures for Commission review and approval of all interconnection agreements entered into between telecommunications carriers.

15. Under the 47 U.S.C. § 252(i) “pick and choose” provision of the Act, LSSi may at some future date opt into the rates, terms, and conditions of Commission approved and effective agreements, amendments, or SGATs.

C. Findings

16. Rule 4 CCR 723-44-5.7.2.1 of the Interconnection Agreement Rules provides that the Commission may reject a submitted interconnection agreement or amendment entered into by negotiation only if:

- (1) The agreement, or portion thereof, discriminates against a telecommunications carrier not a party to the agreement; or
- (2) The implementation of such agreement, or portion thereof, is not consistent with the public interest, convenience, and necessity; or

(3) The agreement is not in compliance with intrastate telecommunications service quality standards or requirements.

Accord 47 U.S.C. § 252(e)(2)(A). In light of the requirements of Rule 4 CCR 723-44-5.7.2.1, we find that the Agreement and Amendment should be approved, and, therefore, that the Application should be granted.

17. The Agreement addresses all pertinent provisions of 47 U.S.C. § 251. With respect to 47 U.S.C. § 252(d), costing and pricing issues are governed by the Agreement which incorporates by reference interim and final orders of the Commission.

D. Conclusion

18. Based upon the record in the present proceeding and the standards for review of interconnection agreements as set forth in the Interconnection Agreement Rules, we conclude that the Application should be granted and that the Agreement and Amendment between Qwest and LSSi should be approved.

II. ORDER

A. The Commission Orders That:

1. The Application filed by Qwest Corporation and LSSi Corp., formerly known as Listing Services Solutions, Inc., on July 10, 2003, which application incorporated their Interconnection Agreement and subsequent Amendment 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