

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 97T-205

RE: THE APPLICATION FOR APPROVAL OF WIRELESS INTERCONNECTION
AGREEMENT BETWEEN U.S. WEST COMMUNICATIONS, INC. AND DURANGO
CELLULAR TELEPHONE COMPANY.

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

Mailed Date: October 1, 2003
Adopted Date: October 1, 2003

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest) and ALLTELL Communications, Inc., formerly known as Durango Cellular Telephone Company (ALLTELL), for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C97-720, issued July 18, 1997.

2. The Parties filed this Amendment on August 20, 2003, pursuant to 4 *Code of Colorado Regulations* 723-44-4. The Parties have decided to amend the Agreement to add terms and conditions for Single Point of Presence in the LATA.

3. The rates and terms are the result of negotiations between the parties. However, under the terms of 47 U.S.C. § 252(i), the “pick and choose” provision of the Telecommunications Act of 1996 (the Act), ALLTELL 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.* 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), which requires 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 ALLTEL Communications Inc., formerly known as Durango Cellular Telephone Company, to amend their Interconnection Agreement is granted.

2. This Order is effective on its Mailed Date.

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