

Decision No. C03-1218

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03T-423

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION AGREEMENT BETWEEN QWEST CORPORATION AND VI LATA COMMUNICATIONS, LLC.

**DECISION APPROVING REPORT OF ADOPTION OF
PREVIOUSLY APPROVED AMENDMENT**

Mailed Date: November 3, 2003

Adopted Date: October 29, 2003

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Colorado Public Utilities Commission (Commission) on the submittal of five Reports of Adoption filed by Qwest Corporation (Qwest) and Vi Lata Communications, LLC (Vi Lata) pursuant to Commission Rule 4 *Code of Colorado Regulations* (CCR) 723-44-6.¹ The original Interconnection Agreement (Agreement) between Qwest and Vi Lata for the provision of Qwest's local exchange services was approved in Decision No. C03-1217 issued November 3, 2003.

2. The Parties filed five Reports of Adoption, which seek to add rates and terms that have already been approved, as follows:

- a) Rates and terms for Collocation Transfer of Responsibility filed on October 10, 2003, as approved in Decision No. C03-0884;
- b) Rates and terms for DC Power Reduction Procedure filed on October 10, 2003, as approved in Decision No. C03-0609;

¹ Colorado Public Utilities Commission Rules Establishing Procedures Relating to Submission for Approval of Interconnection Agreements, and any Amendments to Interconnection Agreements Within Colorado by Telecommunications Carriers.

- c) Rates and terms for Collocation Decommission filed on October 10, 2003, as approved in Decision No. C02-0806;
- d) Rates and terms for Collocation Available Inventory filed on October 14, 2003, as approved in Decision No. C03-0370; and
- e) Rates and terms for Single Point of Presence filed on October 14, 2003, as approved in Decision No. C03-0755.

3. The Parties have complied with the requirements of 4 CCR 723-44 *et seq.* for the submission for approval of amendments to interconnection agreements. Additionally, the five Reports of Adoption contain all information required in 4 CCR 723-44-6. Rates will be as per Qwest's approved Ninth Revised Colorado Statement of Generally Available Terms and Conditions, effective by operation of law on May 3, 2003, subject to the terms and conditions set forth in Decision No. C03-0464, mailed on May 5, 2003.

4. Pursuant to § 252(i) of the Telecommunications Act of 1996 (Act), 47 U.S.C. § 252(i), an incumbent local exchange carrier (ILEC) shall make available any interconnection, service, or network element provided under an agreement or amendment previously approved by this Commission to which the ILEC is a party to any other requesting local exchange carrier upon the same terms and conditions as those provided in the agreement.

5. Section 47 U.S.C. § 251 *et seq.* of the Act requires that the Commission review and approve or reject interconnection agreements involving ILECs 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(d). 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.

6. The Commission has previously approved the amended rates, terms, and conditions in the Amendments adopted by the parties. We find it consistent with the directives of the Act, and our own interconnection agreement rules to approve the Report of Adoption subject to our own rules and general rate-making proceedings.

II. ORDER

A. The Commission Orders That:

1. The joint filings of the following five Reports of Adoption by Qwest Corporation and Vi Lata Communications, LLC to amend their Interconnection Agreement are granted:

- a) Collocation Transfer of Responsibility amendment on October 10, 2003, as approved in Decision No. C03-0884;
 - b) DC Power Reduction Procedure amendment on October 10, 2003, as approved in Decision No. C03-0609;
 - c) Collocation Decommission amendment on October 10, 2003, as approved in Decision No. C02-0806;
 - d) Collocation Available Inventory amendment on October 14, 2003, as approved in Decision No. C03-0370;
 - e) Single Point of Presence amendment on October 14, 2003, as approved in Decision No. C03-0755.
2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 29, 2003.**

(SEAL)



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