

Decision No. C04-0443

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 98T-126

RE: IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION AGREEMENT BETWEEN U S WEST COMMUNICATIONS, INC. AND NEXTEL WEST CORPORATION.

DECISION APPROVING REPORT OF ADOPTION

Mailed Date: April 28, 2004
Adopted Date: April 28, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Colorado Public Utilities Commission (Commission) for consideration of a Report of Adoption filed by Qwest Corporation, formerly known as U S WEST Communications, Inc. (Qwest), and Nextel West Corporation (Nextel), pursuant to 4 *Code of Colorado Regulations* (CCR) 723-44-6.¹ The original Interconnection Agreement (Agreement) between Qwest and Nextel for the provision of Qwest's local exchange services was approved in Decision No. C98-438 issued May 1, 1998, and was subsequently amended.

2. The Parties filed the Report of Adoption on April 14, 2004. The Parties have agreed to amend their Agreement by adopting the amendment between Qwest and T-Mobil/Voicestream, approved in Decision No. C03-0915, with no changes. This will add terms and conditions regarding Single Point of Presence in the LATA.

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.

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 Reports of Adoption contain all information required in 4 CCR 723-44-6.

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 terms and conditions in the Amendment 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 filing of a Report of Adoption by Qwest Corporation and Nextel West Corporation to amend their Interconnection Agreement is granted.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 28, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners