

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 99T-040

RE: THE APPLICATION FOR APPROVAL OF INTERCONNECTION AGREEMENT
BETWEEN US WEST COMMUNICATIONS, INC. AND ERNEST COMMUNICATIONS,
INC.

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

Mailed Date: June 1, 2004
Adopted Date: May 26, 2004

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 Ernest Communications, Inc. (Ernest), for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C99-258, issued March 11, 1999, and subsequently amended.

2. The motion seeks to add rates for miscellaneous charges listed in Section 9.20 of Qwest's Ninth Revised Statement of Generally Available Terms and Conditions (SGAT). The Parties filed this voluntarily negotiated Amendment on April 19, 2004, pursuant to 4 *Code of Colorado Regulations* 723-44-4.

3. Under the terms of 47 U.S.C. § 252(i), the "pick and choose" provision of the Telecommunications Act of 1996 (the Act), Ernest may at some future date opt into the rates,

terms, and conditions of Commission approved and currently effective agreements, amendments, SGATs, 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. The Commission has previously approved all of the amended rates and conditions proposed here. 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 motions of Qwest Corporation and Ernest Communications, Inc., filed on April 19, 2004 to amend their Interconnection Agreement is granted.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 26, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners