

Decision No. C04-1526

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04T-153

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION
AGREEMENT BETWEEN QWEST CORPORATION AND VISTA ACCESS, LLC.

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

Mailed Date: December 23, 2004
Adopted Date: December 21, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest) and Vista Access, LLC (Vista Access) for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C04-0384, issued April 14, 2004.

2. The Parties filed this voluntarily negotiated Amendment on November 10, 2004. The Parties have decided to amend the Agreement to add rates, terms, and conditions for Facility Connected Collocation and to add incorporate changes in law resulting from the Federal Communications Commission (FCC) Triennial Review Order and the so called USTA II decision. Under the terms of 47 U.S.C. § 252(i) of the Telecommunications Act of 1996, Vista Access may at some future date opt into the terms and conditions of Commission approved and currently effective agreements:

[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.

3. 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.

4. The proposed rates and conditions have not been previously approved but are supported by cost studies on file in Docket No. 99A-577T. We note that the FCC is on the verge of issuing a new set of rules covering requirements for unbundling network elements. While at this time we take no position with respect to the parties' interpretation of the Triennial Review Order, or the USTA II decision, 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 Vista Access, LLC to amend their Interconnection Agreement is granted.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 21, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners