

Decision No. C04-0015

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02T-031

IN THE MATTER OF THE APPROVAL OF INTERCONNECTION AGREEMENT
BETWEEN QWEST CORPORATION AND FORETHOUGHT.NET.

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

Mailed Date: January 7, 2004
Adopted Date: January 7, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest) and foreThought.net (foreThought) for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C02-101, issued January 31, 2002, and then subsequently amended. This motion seeks to replace the Parties' previously approved amendment for Collocation Available Inventory approved in Decision No. C03-0025, effective January 8, 2003.

2. The Parties filed this Amendment on November 25, 2003, pursuant to 4 *Code of Colorado Regulations* 723-44-4. The Parties have voluntarily decided to amend the Agreement to change rates, terms, and conditions for Collocation Available Inventory. The new rates and terms are negotiated, unique to the parties, and are not in the Statement of Generally Available Terms and Conditions (SGAT).

3. Under the terms of 47 U.S.C. § 252(i), the “pick and choose” provision of the Telecommunications Act of 1996 (the Act), foreThought 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 not previously approved all of the amended rates and conditions proposed here. However, 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 foreThought.net to amend their Interconnection Agreement is granted.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 7, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners