

Decision No. C04-0080

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 00T-623

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF
INTERCONNECTION AGREEMENT BETWEEN QWEST CORPORATION
F/K/A U S WEST COMMUNICATIONS, INC. AND ARCH PAGING, INC.
AND MOBILE COMMUNICATIONS CORPORATION OF AMERICA.

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

Mailed Date: January 21, 2004

Adopted Date: January 21, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest) and Arch Wireless Operating Company, Inc., formerly known as Mobile Communications Corporation of America (Arch) for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C00-1453, adopted on December 20, 2000.

2. The Parties filed this Amendment on December 15, 2003, pursuant to 4 *Code of Colorado Regulations* 723-44-4. The Parties have decided to amend the Agreement by extending the original expiration date of the Agreement until June 30, 2005. Sections 1.1 and 1.1.1 of the Agreement are also amended to add provisions for changes in Existing Rules of Law which may apply to the Agreement.

3. Under the terms of 47 U.S.C. § 252(i), the “pick and choose” provision of the Telecommunications Act of 1996 (the Act), Arch may at some future date opt into the rates, terms, and conditions of Commission approved and currently effective agreements, amendments, Statements of Generally Available Terms and Conditions, 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.* 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. We find it consistent with the directives of the Act, and our own interconnection agreement rules to approve the present 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 Arch Wireless Operating Company, Inc., to amend their Interconnection Agreement is granted.

2. This Order is effective on its Mailed Date.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners