

Decision No. C04-0102

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04T-016

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION
AGREEMENT BETWEEN QWEST CORPORATION AND ORBITCOM, INC.

**DECISION APPROVING REPORT OF ADOPTION
OF PREVIOUSLY APPROVED
INTERCONNECTION AGREEMENT**

Mailed Date: January 28, 2004
Adopted Date: January 28, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Colorado Public Utilities Commission (Commission) on the submittal of a Report of Adoption of Previously Approved Interconnection Agreement (Report of Adoption) filed by Qwest Corporation (Qwest) and OrbitCom, Inc. (OrbitCom), pursuant to 4 *Code of Colorado Regulations* (CCR) 723-44-6.¹

2. The Parties filed this Report of Adoption on January 8, 2004. OrbitCom has voluntarily adopted Qwest's Ninth Revised Statement of Generally Available Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services, and Resale of Telecommunication Services (SGAT). The Ninth Revised SGAT originally became effective on

¹ Colorado Public Utilities Commission Rules Establishing Procedures Relating to Interconnection Agreements, and any Amendment to Interconnection Agreements Within Colorado by Telecommunications Carriers.

May 3, 2003 pursuant to Commission Decision No. C03-0464, and has been subsequently amended. This would be OrbitCom's first interconnection agreement with Qwest. Rates are taken from SGAT Exhibit A.

3. The Parties have complied with the requirements of 4 CCR 723-44 *et seq.* for the submission for approval of interconnection agreements. Additionally, the Report of Adoption contains 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(e). In reviewing agreements or portions thereof, the Commission is generally guided by 47 U.S.C. § 252(e)(2), which requires that interconnection agreements not discriminate against non-parties and that they be consistent with the public interest, convenience, and necessity.

6. The Commission has previously approved the amended rates, terms, and conditions in the Amendments adopted by the parties. We find it consistent with the terms of the agreement, the directives of the Act, and the spirit of 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 OrbitCom Inc., to adopt Qwest Corporation's Ninth Revised Statement of Generally Available Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services, and Resale of Telecommunication Services is granted.

2. This Order is effective upon its Mailed Date.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners