

Decision No. C04-0152

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03T-263

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

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

Mailed Date: February 11, 2004

Adopted Date: February 11, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest) and Comm South Companies Inc. (Comm South), for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C03-0856 issued August 4, 2003.

2. The Parties filed this Amendment on December 31, 2004. The Parties have agreed to amend the Agreement to add rates, terms, and conditions for Unbundled Network Elements-Platform Public Access Lines. Rates are those approved in Exhibit A of the Ninth Revised Statement of Generally Available Terms and Conditions (SGAT) which became effective on May 3, 2003, pursuant to Commission Decision No. C03-0464, effective May 5, 2003.

3. Under the terms of the 47 U.S.C. § 252(i) “pick and choose” provision of the Act, Comm South 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. 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 Comm South Companies, Inc., to amend their Interconnection Agreement is granted.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 11, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners