

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 00T-064

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION
AGREEMENT BETWEEN U S WEST COMMUNICATIONS, INC. AND ELECTRO-TEL,
INC.

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

Mailed Date: February 18, 2004

Adopted Date: February 18, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation, formerly known as U S WEST Communications, Inc. (Qwest), and Eschelon Telecom of Colorado, Inc., formerly known as Electro-Tel, Inc. (Eschelon), to amend their original Interconnection Agreement (Agreement). The Agreement between Qwest and Eschelon was approved in Decision No. C00-245, issued by the Commission on March 9, 2000, and subsequently amended. The parties filed this amendment on January 8, 2004. The Amendment changes the rates, terms, and conditions for Qwest DSL (with discount) provided with the Unbundled Network Element-Platform (known as UNE-P to Eschelon). Rates are discounted and are taken from Qwest's applicable retail tariff, catalog, or price list.

2. The Telecommunications Act of 1996 (Act), 47 U.S.C. § 251 *et seq.*, requires that the Commission review and approve or reject interconnection agreements involving incumbent local exchange carriers (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, 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 convenience and necessity.

3. Pursuant to § 252(i) of the Act, 47 U.S.C. § 252(i), an 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.

4. We find it consistent with the directives of the Act and the spirit of our own interconnection agreement rules to approve the amendments subject to our own rules and general rate-making proceedings.

II. ORDER

A. The Commission Orders That:

1. The joint motion of Qwest Corporation and Eschelon Telecom of Colorado, Inc., to amend their Interconnection Agreement is granted.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 18, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners