

Decision No. C04-0218

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 99T-438

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RE: THE APPLICATION FOR APPROVAL OF INTERCONNECTION AGREEMENT  
BETWEEN U S WEST COMMUNICATIONS, INC. AND ALLEGIANCE TELECOM OF  
COLORADO.

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

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Mailed Date: March 3, 2004  
Adopted Date: March 3, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Colorado Public Utilities Commission (Commission) on the submittal of two Reports of Adoption filed by Qwest Corporation, formerly known as U S WEST Communications, Inc. (Qwest), and Allegiance Telecom of Colorado, Inc. (Allegiance), pursuant to 4 *Code of Colorado Regulations* (CCR) 723-44-6.<sup>1</sup> The original Interconnection Agreement (Agreement) between Qwest and Allegiance for the provision of Qwest's local exchange services was approved in Decision No. C99-1195 issued November 3, 1999, and subsequently amended.

2. The Parties filed Reports of Adoption on February 11 and 17, 2004. The Parties have agreed to amend their Agreement to add rates, terms, and conditions incorporating Unbundled Network Combinations and to replace existing rates, terms, and conditions for

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<sup>1</sup> Colorado Public Utilities Commission Rules Establishing Procedures Relating to Submission for Approval of Interconnection Agreements, and any Amendments to Interconnection Agreements within Colorado by Telecommunications Carriers.

Unbundled Loops with new language containing rates, terms, and conditions for Unbundled Loops. The language of both amendments is taken directly from Qwest's Ninth Revised Statement of Generally Available Terms and Conditions (SGAT), effective by operation of law on May 3, 2003, subject to the terms and conditions set forth in Decision No. C03-0464, mailed on May 5, 2003. Rates are identical to those 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 amendments to 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(d). 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.

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 directives of

the Act, and 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 filings of Reports of Adoption by Qwest Corporation and Allegiance Telecom of Colorado, Inc., on February 11 and 17, 2004 to amend their Interconnection Agreement are granted.

2. This Order is effective on its Mailed Date.

### **B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING March 3, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners

COMMISSIONER POLLY PAGE ABSENT.