

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03T-075

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION
AGREEMENT BETWEEN QWEST CORPORATION AND ZIPPY TECH INCORPORATED.

DECISION APPROVING REPORT OF ADOPTION

Mailed Date: March 18, 2004
Adopted Date: March 17, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Colorado Public Utilities Commission (Commission) for consideration of a Report of Adoption filed by Qwest Corporation (Qwest) and Zippy Tech Incorporated (Zippy Tech) pursuant to 4 *Code of Colorado Regulations* (CCR) 723-44-6.¹ The original Interconnection Agreement (Agreement) between Qwest and Zippy Tech for the provision of Qwest's local exchange services was approved in Decision No. C03-0369 issued April 9, 2003, and was subsequently amended.

2. The Parties filed the Report of Adoption on February 24, 2004. The Parties have agreed to amend their Agreement to adopt Section 9.7 of Qwest's approved Ninth Revised Colorado 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,

¹ 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.

mailed on May 5, 2003. This will add rates, terms, and conditions regarding Unbundled Dark Fiber. Rates will be the same as in Exhibit A of the SGAT.

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 Reports of Adoption contain 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 Reports 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 Zippy Tech, Incorporated to amend their Interconnection Agreement is granted.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 17, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners