

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02T-648

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION
AGREEMENT BETWEEN QWEST CORPORATION AND DESIGN EVOLUTION, LLC
D/B/A NEXUS DSL.

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

Mailed Date: April 2, 2004
Adopted Date: March 31, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest) and Colorado Teleserv, Inc. formerly known as Design Evolution, LLC, doing business as Nexus DSL (Colorado Teleserv), for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C03-006, adopted January 3, 2003.

2. The Parties filed this Amendment on February 20, 2004, pursuant to 4 *Code of Colorado Regulations* 723-44-4. The Parties have voluntarily decided to amend the Agreement to add rates, terms, and conditions for Shared Distribution Loop. Rates are unique to the parties and not contained in the SGAT.

3. Under the terms of 47 U.S.C. § 252(i), the “pick and choose” provision of the Telecommunications Act of 1996 (the “Act”), Colorado Teleserv 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. 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. The Commission has not previously approved all of the amended rates and conditions proposed here. However, 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 Colorado Teleserv, Inc. to amend their Interconnection Agreement is granted.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 31, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners