

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 96A-287T

RE: IN THE MATTER OF THE PETITION OF MFS COMMUNICATIONS COMPANY, INC.,
FOR ARBITRATION PURSUANT TO 47 U.S.C. § 252 (B) OF INTERCONNECTION RATES,
TERMS AND CONDITIONS WITH U S WEST COMMUNICATIONS, INC.

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

Mailed Date: April 14, 2004
Adopted Date: April 13, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest) and MCI WorldCom Communications, Inc., formerly known as MFS Intelenet, Inc. (MCI), for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C97-48, adopted January 15, 1997, and subsequently amended.

2. The Parties filed this Amendment on February 24, 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 Qwest DSL (with discount) provided with the Unbundled Network Element-Platform. Rates are those contained in Qwest's applicable retail tariff, catalog, or price list less the applicable discount.

3. Under the terms of 47 U.S.C. § 252(i), the "pick and choose" provision of the Telecommunications Act of 1996 (the Act), MCI may at some future date opt into the rates,

terms, and conditions of Commission approved and currently effective agreements, amendments, statements of generally available terms or conditions, 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. The Commission has previously approved all of the amended rates and conditions proposed here. 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 MCI WorldCom Communications, Inc., to amend their Interconnection Agreement is granted.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 13, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER JIM DYER ABSENT.