

Decision No. C04-0442

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

DOCKET NO. 98T-042

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RE: THE APPLICATION FOR APPROVAL OF INTERCONNECTION AGREEMENT  
BETWEEN U S WEST COMMUNICATIONS, INC. AND NEXTLINK COLORADO, L.L.C.

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

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Mailed Date: April 28, 2004  
Adopted Date: April 28, 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 XO Colorado, LLC, formerly known as Nextlink Colorado, L.L.C. (XO) for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C98-259, issued March 12, 1998, and subsequently amended.

2. The Parties filed this Amendment on February 11, 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 a Special Promotion for Available Inventory Collocation Sites.

3. Under the terms of 47 U.S.C. § 252(i), the “pick and choose” provision of the Telecommunications Act of 1996 (the Act), XO 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 and 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 not 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 XO Colorado, LLC to amend their Interconnection Agreement is granted.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
April 28, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners