

Decision No. C04-0582

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04T-246

RE: THE APPLICATION FOR APPROVAL OF INTERCONNECTION AGREEMENT
BETWEEN QWEST CORPORATION AND ICG TELECOM GROUP, INC.

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

Mailed Date: June 3, 2004
Adopted Date: June 2, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Colorado Public Utilities Commission (Commission) on the submittal of a Report of Adoption of Previously Approved Interconnection Agreement (Report of Adoption) filed by Qwest Corporation (Qwest) and ICG Telecom Group, Inc. (ICG), pursuant to 4 *Code of Colorado Regulations* (CCR) 723-44-6.¹

2. The Parties filed this Report of Adoption on May 13, 2004. Qwest and ICG have voluntarily adopted the previously approved interconnection agreement, and any amendments, between Qwest and Sprint Communications Company, L.P. approved in Decision No. C04-0172.

3. The Parties have complied with the requirements of 4 CCR 723-44 *et seq.* for the submission for approval of interconnection agreements. Additionally, the Report of Adoption contains all information required in 4 CCR 723-44-6.

¹ Colorado Public Utilities Commission Rules Establishing Procedures Relating to Interconnection Agreements, and any Amendment to Interconnection Agreements Within Colorado by Telecommunications Carriers.

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(e). In reviewing agreements or portions thereof, the Commission is generally guided by 47 U.S.C. § 252(e)(2), which requires that interconnection agreements not discriminate against non-parties and that they 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 terms of the agreement, the directives of the Act, and the spirit of 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 filing of a Report of Adoption by Qwest Corporation and ICG Telecom Group, Inc., to adopt Qwest Corporation's previously approved interconnection agreement with Sprint Communications Company, L.P., approved in Decision No. 04T-0172, is granted.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 2, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners