

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

DOCKET NO. 02T-600

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RE: IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION AGREEMENT BETWEEN QWEST CORPORATION AND AFFINITY TELECOM, INC.

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

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

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission on a joint motion of Qwest Corporation (Qwest) and Affinity Telecom, Inc. (Affinity), for approval of Amendments to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C02-1327, issued November 26, 2002, and then subsequently amended.

2. The motion seeks approval of rates, terms, and conditions for an amendment adding special promotional rates for available inventory of collocation sites, a second amendment for collocation available inventory, and a third amendment for collocation. The Parties filed this voluntarily negotiated motion on April 21, 2004, pursuant to 4 *Code of Colorado Regulations* 723-44-4.

3. Under the terms of 47 U.S.C. § 252(i), the “pick and choose” provision of the Telecommunications Act of 1996 (the Act), Affinity 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 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 Affinity Telecom, Inc., to amend their Interconnection Agreement 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

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Commissioners