

Decision No. C04-0665

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

DOCKET NO. 99T-067

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RE: THE APPLICATION FOR APPROVAL OF INTERCONNECTION AGREEMENT  
BETWEEN U S WEST COMMUNICATIONS, INC. AND DIECA COMMUNICATIONS, INC.  
D/B/A COVAD COMMUNICATIONS COMPANY.

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

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Mailed Date: June 18, 2004  
Adopted Date: June 16, 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 DIECA Communications, Inc., doing business as Covad Communications Company (Covad) for approval of an amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C99-319, issued March 26, 1999 and then subsequently amended.

2. The motions seek approval of an amendment adding rates, terms, and conditions for a special promotion for available inventory of collocation sites. The Parties filed this voluntarily negotiated Amendment on May 7, 2004, pursuant to 4 *Code of Colorado Regulations* 723-44-4. The discount for rates will be increased from a 50 percent discount to a 75 percent discount if the request for collocation is received prior to June 30, 2004. This promotion is a repeat of a promotion offered in the first quarter of 2004.

3. Under the terms of 47 U.S.C. § 252(i), the “pick and choose” provision of the Telecommunications Act of 1996 (the Act), Covad 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. 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 DIECA Communications, Inc., doing business as Covad Communications Company to amend their Interconnection Agreement is granted.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
June 16, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners

COMMISSIONER POLLY PAGE  
ABSENT.