

Decision No. C04-0938

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

DOCKET NO. 04T-381

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IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION AGREEMENT BETWEEN QWEST CORPORATION AND LIGHTYEAR NETWORK SOLUTIONS, LLC.

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

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Mailed Date: August 16, 2004  
Adopted Date: August 11, 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 Lightyear Network Solutions, Inc. (Lightyear), formerly known as Lightyear Communications, Inc., pursuant to 4 *Code of Colorado Regulations* (CCR) 723-44-6.

2. The Parties filed this Report of Adoption on July 22, 2004. Lightyear has voluntarily adopted Qwest's Ninth Revised Statement of Generally Available Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services, and Resale of Telecommunication Services (SGAT). The Ninth Revised SGAT originally became effective on May 3, 2003 pursuant to Commission Decision No. C03-0464, and has been subsequently amended. Rates are taken from SGAT Exhibit A. Lightyear Communications, Inc., had an interconnection agreement with Qwest approved in Decision No. C03-0640.

3. The Parties have complied with the requirements of 4 CCR 723-44 *et seq.* for the submission for approval of interconnection agreements.

4. Pursuant to § 252(i) of the Telecommunications Act of 1996 (Act), 47 U.S.C. § 252(i), “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.”

5. 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 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 Lightyear Network Solutions, Inc., to adopt Qwest Corporation’s Ninth Revised Statement of Generally

Available Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services, and Resale of Telecommunication Services is granted.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
August 11, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners

CHAIRMAN GREGORY E. SOPKIN NOT  
PARTICIPATING.