

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 97T-204

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION
AGREEMENT BETWEEN U S WEST COMMUNICATIONS, INC. AND WINSTAR
WIRELESS OF COLORADO, INC.

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

Mailed Date: August 30, 2004
Adopted Date: August 18, 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 Winstar Wireless of Colorado, Inc. (Winstar), for approval of a Directory Assistance Agreement (Agreement). An interconnection agreement between Winstar and Qwest was approved on July 18, 1997 in Decision No. C97-719.

2. This motion seeks approval of terms and conditions in an agreement for directory assistance dated February 26, 1999. Qwest has decided to file the Agreement now because of “recent pronouncements” by the Federal Communications Commission that this type of agreement falls within the filing requirements of 47 U.S.C. § 252 of the Telecommunications Act of 1996 (the Act).

3. 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.

4. The Commission has previously approved all of the terms and conditions proposed here. The services in the Agreement have been available to competitive local exchange carriers through Qwest's Statement of Generally Available Terms and Conditions. Nonetheless, for technical reasons, we must deny this motion without prejudice. The Commission has always assigned one docket number to each agreement filed. This separate Agreement is not an amendment to the interconnection agreement approved in this docket, and it should be filed under a separate new docket number, even though it is between the same parties.

II. ORDER

A. The Commission Orders That:

1. The joint motion of Qwest Corporation and Winstar Wireless of Colorado, Inc., for approval of their Directory Assistance Agreement is denied without prejudice.
2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 18, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners