

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 99T-067

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

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

Mailed Date: September 15, 2004
Adopted Date: September 14, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a 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 Parties filed this voluntarily negotiated Amendment on August 3, 2004, pursuant to 4 *Code of Colorado Regulations* 723-44-4. The motion supersedes an earlier line sharing amendment filed on May 14, 2004, and seeks to withdraw that amendment. The filing amends the interconnection agreement by adding rates, terms, and conditions for line sharing orders with a due date on or after October 2, 2003, on a commercial basis. It was the intent of the parties that this new agreement would replace the one filed on May 14, 2004.

3. Under the terms of 47 U.S.C. § 252(i) of the Telecommunications Act of 1996 (the Act), Covad may at some future date opt into the terms and conditions of Commission approved and currently effective agreements:

[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 not 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 formerly known as U S WEST Communications, Inc., and DIECA Communications, Inc., doing business as Covad Communications Company, to amend their Interconnection Agreement is granted.

2. This Amendment shall supersede the Joint Amendment filed on May 14, 2004, and the May 14, 2004 amendment is declared withdrawn.

3. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Order.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 14, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT.