

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04T-404

RE: IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION AGREEMENT BETWEEN QWEST CORPORATION AND TIME WARNER TELECOM OF COLORADO, LLC.

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

Mailed Date: September 22, 2004
Adopted Date: September 22, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest) and Time Warner Telecom of Colorado, LLC (Time Warner) for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved by the Commission in Decision No. C04-1089 issued September 14, 2004.

2. The motion seeks approval of an amendment adding terms and conditions for Single Point of Presence in the LATA. The Parties filed this voluntarily negotiated Amendment on August 18, 2004, pursuant to 4 *Code of Colorado Regulations* 723-44-4.

3. Under the terms of 47 U.S.C. § 252(i) of the Telecommunications Act of 1996 (the Act), Time Warner may at some future date opt into 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 terms 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 Time Warner Telecom of Colorado, LLC to amend their Interconnection Agreement by adding, terms and conditions for single point of presence in the LATA is granted.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 22, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners