

Decision No. C04-1364

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

DOCKET NO. 02T-649

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IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION  
AGREEMENT BETWEEN QWEST CORPORATION AND NEW ACCESS  
COMMUNICATIONS, LLC.

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

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Mailed Date: November 19, 2004

Adopted Date: November 3, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest) and New Access Communications, LLC (New Access) for approval of an amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C03-0091, issued January 24, 2003.

2. The Parties filed this negotiated amendment on September 15, 2004. The Parties have decided to amend the Agreement to add rates, terms, and conditions for elimination of Unbundled Network Element Platform and Implementation of Batch Hot Cut Process and Discounts. Under the terms of 47 U.S.C. § 252(i) of the Telecommunications Act of 1996, New Access 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.

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 proposed rates and conditions have not been previously approved but are supported by cost studies on file in Docket No. 99A-577T. We therefore 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 New Access Communications, LLC to amend their Interconnection Agreement is granted.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
November 3, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners