

Decision No. C04-1407

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04T-456

RE: THE APPLICATION FOR APPROVAL OF INTERCONNECTION AGREEMENT
BETWEEN QWEST CORPORATION AND SOUTHWESTERN BELL COMMUNICATIONS
SERVICES, INC. D/B/A SBC LONG DISTANCE.

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

Mailed Date: December 7, 2004
Adopted Date: November 17, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest) and Southwestern Bell Communications Services, Inc., doing business as SBC Long Distance (SBC) for approval of an Amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C04-1138 issued September 30, 2004.

2. The Parties filed this negotiated Amendment on October 18, 2004. This motion seeks approval of rates terms and conditions for the availability of Unbundled Network Elements under the Federal Communications (FCC) Triennial Review Order (TRO), FCC 03-36, issued August 21, 2003. The Parties filed this voluntarily negotiated Amendment 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, SBC 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. Here, we do not adopt the parties' interpretation of the FCC's TRO, and take no position with respect to impairment of network elements in Colorado. However, because this Agreement was freely negotiated between Qwest and SBC, 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 Southwestern Bell Communications Services, Inc., doing business as SBC Long Distance, to amend their Interconnection Agreement is granted.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 17, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners