

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

DOCKET NO. 03T-058

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IN THE MATTER OF THE APPLICATION OF THE INTERCONNECTION AGREEMENT  
BETWEEN QWEST CORPORATION AND NEW EDGE NETWORK, INC. D/B/A NEW  
EDGE NETWORKS.

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

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Mailed Date: December 7, 2004  
Adopted Date: December 1, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest) and New Edge Networks, Inc., doing business as New Edge Networks (New Edge) for approval of an amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C03-0199 issued February 25, 2003.

2. The Parties filed the negotiated amendment, on October 26, 2004. The Parties have decided to amend the Agreement to add rates, terms, and conditions for Expedites for Design Services. "Expedites" are requests for an improved standard time interval that is shorter than the interval defined in Qwest's Service Interval Guide, a competitive local exchange carrier's interconnection agreement with Qwest, or other standards. Under the terms of

47 U.S.C. § 252(i) of the Telecommunications Act of 1996, New Edge 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 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 Edge Networks, Inc. to amend their Interconnection Agreement are granted.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
December 1, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners

COMMISSIONER POLLY PAGE  
ABSENT.