

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04T-381

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION
AGREEMENT BETWEEN QWEST CORPORATION AND LIGHTYEAR NETWORK
SOLUTIONS, LLC.

**DECISION GRANTING
REPORT OF ADOPTION**

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

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Colorado Public Utilities Commission (Commission) for consideration of a Report of Adoption filed by Qwest Corporation (Qwest) and Lightyear Network Solutions (Lightyear) pursuant to 4 *Code of Colorado Regulations* (CCR) 723-44-6.¹ The original Interconnection Agreement (Agreement) between Qwest and Lightyear was approved in Decision No. C04-0938 issued August 16, 2004.

2. The Parties filed the Report of Adoption on November 10, 2004. The Parties have decided to amend their Agreement to add terms and conditions for Qwest DSL (with discount) provided with unbundled network element platform. These terms and conditions were approved as an amendment to the interconnection agreement between Qwest and Excel Telecom in Docket No. 02T-371, Decision No. C04-0559, issued on June 1, 2004.

¹ Colorado Public Utilities Commission Rules Establishing Procedures Relating to Submission for Approval of Interconnection Agreements, and any Amendments to Interconnection Agreements within Colorado by Telecommunications Carriers.

3. The Parties have complied with the requirements of 4 CCR 723-44 *et seq.* for the submission for approval of amendments to interconnection agreements. Additionally, the Report of Adoption contains all information required in 4 CCR 723-44-6.

4. Pursuant to § 252(i) of the Telecommunications Act of 1996 (Act), 47 U.S.C. § 252(i), an incumbent local exchange carrier (ILEC) shall make available any interconnection, service, or network element provided under an agreement or amendment previously approved by this Commission to which the ILEC is a party to any other requesting local exchange carrier upon the same terms and conditions as those provided in the agreement.

5. Section 47 U.S.C. § 251 *et seq.* of the Act requires that the Commission review and approve or reject interconnection agreements involving ILECs 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(d). 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.

6. The Commission has previously approved the amended rates, terms, and conditions in the Amendments adopted by the parties. We find it consistent with the directives of the Act, and our own interconnection agreement rules to approve the Report of Adoption subject to our own rules and general rate-making proceedings.

II. ORDER

A. The Commission Orders That:

1. The joint filing of a Report of Adoption by Qwest Corporation and Lightyear Network Solutions, Inc. is 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

Commissioners

COMMISSIONER POLLY PAGE
ABSENT.