

Decision No. C04-1493

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 01T-019

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION
AGREEMENT BETWEEN QWEST CORPORATION AND MCLEODUSA
TELECOMMUNICATIONS SERVICES, INC.

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

Mailed Date: December 17, 2004
Adopted Date: December 15, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest) and McLeodUSA Telecommunications Service, Inc. (McLeod), for approval of an amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C01-156 issued February 16, 2001.

2. The Parties filed the negotiated amendment, on August 31, 2004. The Parties have decided to amend the Agreement to add rates, terms, and conditions for DC Power Measuring. Under the terms of 47 U.S.C. § 252(i) of the Telecommunications Act of 1996, McLeod 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 of the negotiated amendment have not been approved by the Commission. The proposed rates 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 McLeodUSA Telecommunications Service, Inc. to amend their Interconnection Agreement are granted.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 15, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners