

Decision No. C06-0359

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02T-031

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF INTERCONNECTION
AGREEMENT BETWEEN QWEST CORPORATION AND FORETHOUGHT.NET

**ORDER APPROVING AMENDMENT TO
INTERCONNECTION AGREEMENT**

Mailed Date: May 19, 2006

Adopted Date: April 4, 2006

I. BY THE COMMISSION

A. Factual and Procedural Background

1. This matter comes before the Commission on the joint motion of Qwest Corporation (Qwest) and foreThought.net (foreThought) for approval of an amendment to their Interconnection Agreement (Agreement). The Agreement was initially approved in Decision No. C02-101, issued January 31, 2002.

2. Qwest and foreThought (Parties) filed this negotiated amendment on February 23, 2006. The Parties have amended their Agreement with rates, terms and conditions for Qwest Commercial Dark Fiber Service Agreement.¹

¹ In this Docket, Commission Staff inadvertently duplicated the decision which approves the amendment filed February 27, 2006 with regard to rates, terms, and conditions for Unbundled Dark Fiber, by inadvertently mailing that decision as both: Decision No. C06-0356 and Decision No. C06-0359. This Decision No. C06-0359 is actually the decision in this docket approving an amendment filed February 23, 2006 with regard to Qwest Commercial Dark Fiber Service Agreement.

Decision No. C06-0359 is vacated by Errata Notice C06-0359-E with respect to the amendment of interconnection agreement filed in this docket on February 27, 2006 pertaining to rates, terms, and conditions for Unbundled Dark Fiber. This attachment to the Errata Notice corrects Decision No. C06-0359 with respect to the amendment of interconnect agreement filed February 23, 2006 pertaining to the Qwest Commercial Dark Fiber Service Agreement.

B. Discussion

3. In accordance with 47 U.S.C. § 252(i) of the Telecommunications Act of 1996, foreThought may at some future date opt-in to 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 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 such agreements the Commission is guided by 47 U.S.C. § 252(e)(2), requiring that interconnection agreements not discriminate against non-parties and that they be consistent with the public interest, convenience, and necessity. The proposed rates and conditions were negotiated between the parties, are supported by cost studies on file with the Commission in Docket No. 99A-577T and 02M-260T, and will be made available to other telecommunication carriers pursuant to 47 U.S.C. § 252(i).

5. 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 foreThought.net to amend their Interconnection Agreement is granted.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 5, 2006.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

CARL MILLER

Commissioners