



State of Utah  
Department of Commerce  
Division of Public Utilities

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September 29, 2005

**TO: PUBLIC SERVICE COMMISSION**

**FROM: DIVISION OF PUBLIC UTILITIES**  
Constance B. White, Director  
Wes Huntsman, Manager, Telecommunications  
Casey J. Coleman, Utility Analyst

**Re: In the Matter of the Amendment to the Arbitrated Interconnection Agreement between DICEA Communications, Inc., dba Covad Communications Company and Qwest Corporation per Docket No. 04-2277-02.**

**RECOMMENDATION: acknowledge receipt**

**ISSUES:**

On August 22, 2005, Qwest Corp. ("Qwest") filed the Amendment to the Interconnection Agreement per the above-referenced docket in accordance with § 54-8b-2.2(1)(d) of the *Utah Code*. This Agreement had been fully executed through voluntary negotiations in August 2005 with DICEA Communications, Inc., dba Covad Communications Company. ("Covad"). The Commission approved the original Agreement on October 28, 1999 in Docket No. 99-049-47.

The Division has reviewed the above-mentioned Agreement between Qwest and Covad and sees no reason to reject it. Specifically, the Division believes that the Agreement was negotiated in good faith and without unfair discrimination. Both parties also recognize that, to the extent that the existing rules are changed, vacated, dismissed, stayed or modified, this Agreement and all contracts adopting all or part of this Agreement will be amended to reflect such modification or change of the existing rules. Therefore, the Division recommends that the Commission acknowledge the receipt of this Interconnection Agreement.

cc: Director, Interconnection Compliance, Qwest  
Laura Scholl, Qwest  
James A. Kirkland, General Counsel, Covad  
Michael Ginsberg, Assistant Attorney General