

## 9.19 Construction Charges

Subject to the requirements in Section 9.1.2 of this Agreement, Qwest will conduct an individual financial assessment of any request that requires construction of network capacity, facilities, or space for access to or use of UNEs. When Qwest constructs to fulfill CLEC's request for UNEs other than pursuant to terms and conditions applicable to Qwest retail customers, Qwest will bid this construction on a case-by-case basis. Qwest will charge for ~~the~~is construction through nonrecurring charges and a term agreement for the remaining recurring charge, as described in the Construction Charges Section of the equivalent retail service tariff or alternatively at CLEC's election through an advance payment of a Special Construction price quote. Qwest will impose these Construction charges only when Qwest agrees to construct facilities in response to (a) CLEC requests for UNEs outside of Qwest's current service area; or (b) and Qwest agrees to build, or when CLEC requests for UNEs at a location that is served by facilities that are already at full capacity and the CLEC request would require Qwest to construct facilities in larger quantities or at imposes a higher grade of service than Qwest provides to its larger demand than would be expected from a Qwest Retail Customers, (i.e. a higher grade of service or a greater volume of loops at a particular location) and Qwest would construct facilities for equivalent retail services under the Special Construction guidelines in the PCAT, or when CLEC elects to request construction in lieu of having an order held for lack of available facilities. Qwest will treat ~~the~~ CLEC's order consistently with how Qwest would treat a Retail Customer order for services that require construction of comparablelike facilities at the same location. When CLEC orders the same or substantially similar service or facilities available to Qwest ~~Retail~~End User Customers, nothing in this Section shall be interpreted to authorize Qwest to charge CLEC for special construction where such charges are not provided for in a Tariff or where such charges would not be applied to a Qwest Retail Customer. If Qwest agrees to construct ~~facilities a network element~~ that ~~satisfies~~ the description of one or more UNEs contained in this agreement, ~~those facilities at network element~~ shall be deemed a UNEs.