

TC04-113

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DOCKET NO. \_\_\_\_\_

In the Matter of IN THE MATTER OF THE FILING FOR APPROVAL OF AN ADOPTION AGREEMENT BETWEEN QWEST CORPORATION AND COVISTA, INC.

### Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
6/28 04	Filed and Docketed;
7/1 04	Verbally Filed;
8/26 04	Order Approving Adoption Agreement;
8/26 04	Docket Closed.



Boyce, Greenfield, Pashby & Welk, LLP

RECEIVED

JUN 28 2004  
jwelk@bgpw.com

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UTILITIES COMMISSION

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*J.W. Boyce (1884-1915)*

June 24, 2004

Pam Bonrud, Executive Director  
Public Utilities Commission of the State of SD  
500 East Capitol Avenue  
Pierre, SD 57501

Re: Filing of Adoption Agreement between Covista Inc. and Qwest  
Corporation for the State of South Dakota  
Our File No. 2104.078

Dear Ms. Bonrud:

Pursuant to ARSD 20:10:32:21 enclosed for filing are an original and ten (10) copies of the Adoption Agreement between Covista, Inc. ("Covista") and Qwest Corporation ("Qwest") for approval by the Commission. Covista chooses to adopt, in its entirety, the terms and conditions of Qwest Corporation's Statement of Generally Accepted Terms ("SGAT") and Associated Exhibits for the State of South Dakota.

Covista has authorized Qwest to submit this Agreement on Covista's behalf.

Sincerely yours,

BOYCE, GREENFIELD, PASHBY & WELK, L.L.P.

Thomas J. Welk

TJW/vjj

Enclosures

cc: A. John Leach - Covista  
Karen E. Wilkins - Covista  
Ms. Colleen Sevold  
Ms. Mary Sullivan



June 11, 2004

Covista, Inc.,  
A. John Leach  
721 Broad Street, 2<sup>nd</sup> Floor  
Chattanooga, TN 37402  
Phone: 423-648-9500  
Fax: 423-648-9502  
fpazera@covista.com

**RECEIVED**

**JUN 28 2004**

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

**Re: Agreement to Adopt Qwest Corporation’s Statement of Generally Accepted Terms (“SGAT”) and Associated Exhibits for the State of South Dakota.**

Dear Mr. Leach,

We have received your request that, in accordance with Section 252(i) of the Federal Telecommunications Act of 1996, Covista, Inc., (“CLEC”) wishes to enter into Qwest Corporation’s Statement of Generally Available Terms (“SGAT”) for South Dakota, including Exhibits A through M listed below.

By signing this letter (hereinafter referred to as the “Agreement”), CLEC and Qwest Corporation (“Qwest”) incorporate herein and hereby adopt and agree to be bound by all terms and provisions of the SGAT and Exhibits A through M that are on file with the South Dakota Public Utilities Commission and in effect as the date of this letter, including the effective term of the SGAT. These include the following documents, with their corresponding effective dates:

SGAT	Statement of Generally Available Terms	dated	12/12/02
Exhibit A	South Dakota Rates	dated	12/12/02
Exhibit B	Service Performance Indicators	dated	05/04/04
Exhibit B1	Manual Service Order Accuracy	dated	12/12/02
Exhibit C	Service Interval Tables	dated	12/12/02
Exhibit D	Qwest Right of Way, Pole Attachment and/or Innerduct Occupancy General Information Document	dated	12/12/02
Exhibit E	Vertical Switch Features for UNE Switching	dated	12/12/02
Exhibit F	Special Request Process	dated	12/12/02
Exhibit G	Change Management Process (CMP)	dated	12/12/02
Exhibit H	Reserved for Future Use	dated	12/12/02
Exhibit I	Individual Case Basis (ICB)	dated	12/12/02
Exhibit J	Election of Reciprocal Compensation Option	dated	12/12/02
Exhibit K	Performance Assurance Plan	dated	10/31/03
Exhibit L	Advice Adoption Letter	dated	12/12/02
Exhibit M	Interim Advice Adoption Letter	dated	12/12/02

With respect to this Agreement, CLEC and Qwest (hereinafter referred jointly to as "the Parties") further understand and agree:

1. Qwest requests that notice to Qwest Corporation as may be required under the Agreement or SGAT shall be provided as follows:

To:	With copy to:
Qwest Corporation	Qwest Corporation Law Department
Director Interconnection Agreements	Attention: Counsel, Interconnection
1801 California Street, Room 2420	1801 California Street, 49th Floor
Denver, CO 80202	Denver, CO 80202
303-965-3029	
Email – <a href="mailto:intagree@qwest.com">intagree@qwest.com</a>	

CLEC requests that notice to CLEC as may be required under the Agreement or SGAT shall be provided as follows:

Covista Inc.,	Copy to:
A. John Leach	Karen E Wilkins
721 Broad Street, 2nd Floor	Technology Manager
Chattanooga, TN 37402	1720 Windward Concourse, Ste 250
Phone: 423-648-9500	Alpharetta, GA 30005
Fax: 423-648-9502	678-775-2258
<a href="mailto:fpazera@covista.com">fpazera@covista.com</a>	<a href="mailto:kwilkins@tcsteam.com">kwilkins@tcsteam.com</a>

2. CLEC represents and warrants that it is a certified local exchange carrier in the State of South Dakota and that this Agreement will cover services in that state only.

3. CLEC shall sign all three original of this Agreement, and return them to:

Qwest Corporation  
Manager of Interconnection Agreements  
1801 California St, Suite 2420  
Denver, CO 80202  
Phone: 303-965-3029

4. If the South Dakota Public Utilities Commission approves or allows to become effective the withdrawal or revision of the above-identified SGAT or any of the associated Exhibits before this Agreement is executed by both parties, then the terms of this Agreement shall be rendered null and void. CLEC and Qwest may thereafter discuss execution of a new Agreement that adopts the SGAT and associated Exhibits as most recently approved or allowed to become effective by the South Dakota Public Utilities Commission.

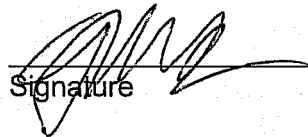
5. Qwest will file this Agreement with the South Dakota Public Utilities Commission for approval pursuant to Section 252 of the Federal Telecommunications Act of 1996. Qwest notes that some state commissions may not approve the Agreement until the CLEC is certified by the state commission.

6. Exhibit J, Election of Reciprocal Compensation Option, establishes the Reciprocal Compensation rate for 251(b)(5) voice traffic billed by the Parties. CLEC chooses voice services compensation at: (MUST Initial ONE choice)

1. 1 ~~2~~ FCC Ordered Rate OR 2. \_\_\_\_\_ State Ordered Rate

7. The Parties agree to all terms and conditions contained in this Agreement as indicated by signatures below:

**Covista, Inc.**

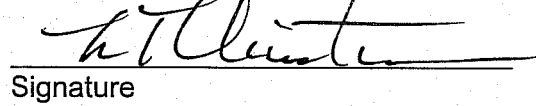
  
\_\_\_\_\_  
Signature

A. John Leach  
\_\_\_\_\_  
Name Printed/Typed

President & CEO  
\_\_\_\_\_  
Title

6/17/04  
\_\_\_\_\_  
Date

**Qwest Corporation**

  
\_\_\_\_\_  
Signature

L. T. Christensen  
\_\_\_\_\_  
Name Printed/Typed

Director-Interconnection Agreements  
\_\_\_\_\_  
Title

6/17/04  
\_\_\_\_\_  
Date

**South Dakota Public Utilities Commission**  
**WEEKLY FILINGS**  
**For the Period of June 24, 2004 through June 30, 2004**

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact  
Delaine Kolbo within five business days of this report. Phone: 605-773-3201

**TELECOMMUNICATIONS**

**TC04-110**      **In the Matter of the Filing by Qwest Corporation of its Notice of Modification to the Statement of Generally Available Terms and Conditions (SGAT) Exhibit B, Notice of Qwest's Changes to its Performance Assurance Plan and Motion for Tier Designation, Volume Differentiated Benchmark and Measurement Stabilization Period for the Revised PID PO-20.**

On June 24, 2004, Qwest Corporation filed an updated Exhibit B to the Statement of Generally Available Terms and Conditions, which is the Performance Indicator Definitions, and a revised Performance Assurance Plan (PAP) to reflect changes from the Long Term PID Administration discussions as well as request determination regarding the tier designation, volume-differentiated benchmark, and measurement stabilization period related to the revised PID, PO-20 (Expanded) Manual Service Order Entry. Qwest Corporation requests that the Commission approve the PAP, as revised and modified, designate a tier for PO-20, establish a low-volume differentiated benchmark for PO-20, and allow PO-20 a measurement stabilization for no more than three months with the implementation of each phase, meaning that Qwest will make any required payments for PO-20 on the prior phase, but under Exhibit B-1 for Phase 1 implementation, until the expiration of the measurement stabilization period. Qwest requests that the Commission permit the amended Exhibit B to go into effect no later than 60 days after submission in accordance with 47 U.S.C. Section 252(f)(3) and, further, upon determination of the issues outlined above and upon a compliance filing by Qwest removing Exhibit B-1, supersede Exhibit B-1. In the interim, Qwest will report on the expanded PO-20 contained in Exhibit B; Qwest will also report and make payments on the existing PO-20 contained in Exhibit B-1 until such time as the Commission determines the appropriate tier designation, measurement stabilization period and whether a low volume differentiated benchmark should apply. Further, Qwest requests that, pursuant to Section 16 of PAP, the changes shall automatically apply to all existing interconnection agreements that currently contain Exhibit B and the PAP, Exhibit K as exhibits.

Staff Analyst: Harlan Best  
Staff Attorney: Karen E. Cremer  
Date Docketed: 06/24/04  
Intervention Deadline: 07/16/04

**TC04-111**      **In the Matter of the Establishment of Switched Access Revenue Requirement for Venture Communications Cooperative, Inc.**

On June 25, 2004, Venture Communications Cooperative, Inc., Highmore, South Dakota, filed a switched access cost study developing a revenue requirement and minutes of use that are included in the revenue requirement and minutes of use used to determine the switched access rates for the Local Exchange Carriers Association.

Staff Analyst: Keith Senger  
Staff Attorney: Karen Cremer  
Date Docketed: 06/25/04  
Intervention Deadline: 07/16/04

**TC04-112 In the Matter of the Establishment of Switched Access Revenue Requirement for City of Brookings Municipal Telephone Department.**

On June 25, 2004, City of Brookings Municipal Telephone Department filed a switched access cost study developing a revenue requirement and minutes of use that are included in the revenue requirement and minutes of use used to determine the switched access rates for the Local Exchange Carriers Association.

Staff Analyst: Harlan Best  
Staff Attorney: Karen Cremer  
Date Docketed: 06/25/04  
Intervention Deadline: 07/16/04

**TC04-113 In the Matter of the Filing for Approval of an Adoption Agreement between Qwest Corporation and Covista, Inc.**

On June 28, 2004, the Commission received a filing for approval of an Agreement to Adopt Qwest Corporation's Statement of Generally Accepted Terms ("SGAT") and Associated Exhibits for the State of South Dakota between Covista, Inc. and Qwest Corporation. According to the parties, by entering into the Agreement "Covista chooses to adopt, in its entirety, the terms and conditions of Qwest Corporation's Statement of Generally Accepted Terms ("SGAT") and Associated Exhibits for the State of South Dakota." Any party wishing to comment on the Agreement may do so by filing written comments with the Commission and the parties to the Agreement no later than July 19, 2004. Parties to the Agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Rolayne Ailts Wiest  
Date Filed: 06/28/04  
Initial Comments Due: 07/19/04

**TC04-114 In the Matter of the Establishment of Switched Access Revenue Requirement for Stockholm-Strandburg Telephone Company.**

On June 29, 2004, Stockholm-Strandburg Telephone Co., Stockholm, South Dakota, filed a switched access cost study developing a revenue requirement and minutes of use that are included in the revenue requirement and minutes of use used to determine the switched access rates for the Local Exchange Carriers Association.

Staff Analyst: Harlan Best  
Staff Attorney: Karen Cremer  
Date Docketed: 06/29/04  
Intervention Deadline: 07/16/04

**TC04-115 In the Matter of the Establishment of Switched Access Rates for PrairieWave Telecommunications, Inc.**

On June 29, 2004, PrairieWave Telecommunications, Inc., Sioux Falls, South Dakota, filed a switched access cost study pursuant to the rules established by the Commission.

Staff Analyst: Harlan Best  
Staff Attorney: Karen E. Cremer  
Date Filed: 06/29/04  
Intervention Deadline: 07/16/04

**TC04-116 In the Matter of the Establishment of Switched Access Revenue Requirement for Santel Communications Cooperative, Inc.**

On June 30, 2004, Santel Communications Cooperative, Inc., Woonsocket, South Dakota, filed a switched access cost study developing a revenue requirement and minutes of use that are included in the revenue requirement and minutes of use used to determine the switched access rates for the Local Exchange Carriers Association.

Staff Analyst: Harlan Best  
Staff Attorney: Karen E. Cremer  
Date Docketed: 06/30/04  
Intervention Deadline: 07/16/04

**TC04-117 In the Matter of the Establishment of Switched Access Revenue Requirement for James Valley Cooperative Telephone Company.**

On June 30, 2004, James Valley Cooperative Telephone Company, Groton, South Dakota, filed a switched access cost study developing a revenue requirement and minutes of use that are included in the revenue requirement and minutes of use used to determine the switched access rates for the Local Exchange Carriers Association.

Staff Analyst: Harlan Best  
Staff Attorney: Karen E. Cremer  
Date Docketed: 06/30/04  
Intervention Deadline: 07/16/04

**TC04-118 In the Matter of the Establishment of Switched Access Revenue Requirement for Kennebec Telephone Company.**

On June 30, 2004, Kennebec Telephone Company, Kennebec, South Dakota, filed a switched access cost study developing a revenue requirement and minutes of use that are included in the revenue requirement and minutes of use used to determine the switched access rates for the Local Exchange Carriers Association.

Staff Analyst: Harlan Best  
Staff Attorney: Karen E. Cremer  
Date Docketed: 06/30/04  
Intervention Deadline: 07/16/04

**TC04-119 In the Matter of the Establishment of Switched Access Rates for the Local Exchange Carriers Association.**

On June 30, 2004, the Local Exchange Carriers Association (LECA) filed revised switched access tariff pages. The purpose of these revisions is to implement changes in rates as necessitated by revisions in member companies' revenue requirements and access minutes of use. LECA requests that the revised rates be effective August 1, 2004.

Staff Analyst: Harlan Best  
Staff Attorney: Karen E. Cremer  
Date Docketed: 06/30/04  
Intervention Deadline: 07/16/04



**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE FILING FOR )	ORDER APPROVING
APPROVAL OF AN ADOPTION AGREEMENT )	ADOPTION AGREEMENT
BETWEEN QWEST CORPORATION AND )	
COVISTA, INC. )	TC04-113

On June 28, 2004, Qwest Corporation (Qwest) filed for approval by the South Dakota Public Utilities Commission (Commission) an adoption agreement between Covista, Inc. (Covista) and Qwest.

On July 1, 2004, the Commission electronically transmitted notice of this filing to interested individuals and entities. The notice stated that any person wishing to comment on the parties' request for approval had until July 19, 2004, to do so. No comments were filed.

At its duly noticed August 17, 2004, meeting, the Commission considered whether to approve the adoption agreement between Qwest and Covista. Commission Staff recommended its approval.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, and the Federal Telecommunications Act of 1996. In accordance with 47 U.S.C. § 252(e)(2), the Commission found that the adoption agreement does not discriminate against a telecommunications carrier that is not a party to the adoption agreement and the adoption agreement is consistent with the public interest, convenience, and necessity. The Commission unanimously voted to approve the adoption agreement. It is therefore

ORDERED, that the Commission approves the adoption agreement.

Dated at Pierre, South Dakota, this 26<sup>th</sup> day of August, 2004.

<b>CERTIFICATE OF SERVICE</b>
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u><i>Helaine Kolbo</i></u>
Date: <u><i>8/27/04</i></u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*Robert K. Sahr*  
ROBERT K. SAHR, Chairman

*Gary Hanson*  
GARY HANSON, Commissioner