

RW/SR

In the Matter of **IN THE MATTER OF THE FILING FOR APPROVAL OF AN AMENDMENT TO AN INTERCONNECTION AGREEMENT BETWEEN QWEST CORPORATION AND DIECA COMMUNICATIONS, INC. D/B/A COVAD COMMUNICATIONS COMPANY**

Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
9/17/04	<i>Filed and Docketed</i>
9/23/04	<i>Rebby Filing;</i>
11/4/04	<i>Order Approving Amendment to Agreement;</i>
11/4/04	<i>Docket Closed.</i>



Boyce, Greenfield, Pashby & Welk, LLP

TC04-199

RECEIVED

SEP 17 2004

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

tjwelk@bgpw.com

Direct Dial: 605-731-0208

Attorneys at Law

September 15, 2004

101 N. Phillips Ave., Suite 600

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

Sioux Falls, SD 57104

Re: Filing of Expedites for Design Services Amendment to the Interconnection Agreement Between Qwest Corporation and DIECA Communications, Inc. d/b/a Covad Communications, Inc.
Our File No. 2104.078

P.O. Box 5015

Sioux Falls, SD 57117-5015

Dear Ms. Bonrud:

P: 605-336-2424

Pursuant to ARSD 20:10:32:21 enclosed for filing are an original and ten (10) copies of the Expedites for Design Services Amendment to the Interconnection Agreement between DIECA Communications, Inc. d/b/a Covad Communications, Inc. ("Covad") and Qwest Corporation ("Qwest") for approval by the Commission. This is an amendment to the interconnection agreement between Covad and Qwest which was approved by the Commission on November 18, 1999 in Docket No. TC99-017.

F: 605-334-0618

www.bgpw.com

This Amendment is made in order to add to the Agreement the terms, conditions and rates for Expedites for Design Services, as set forth in Attachment 1 and Exhibit A, attached to the Amendment.

Russell R. Greenfield

Gary J. Pashby

Thomas J. Welk

Michael S. McKnight

Gregg S. Greenfield

Roger A. Sudbeck

Lisa K. Marso

Heather R. Springer*

Heith R. Janke

Darin W. Larson

Michael F. Tobin

Christopher W. Madsen

Sherri L. Rotert**

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

Sincerely yours,

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

Thomas J. Welk

TJW/vjj

Enclosures

cc: (w/o enc) Karen Frame
Colleen Sevold
Mary Sullivan

*Also licensed in Kansas

**Also licensed in Colorado

J.W. Boyce (1884-1915)

SEP 17 2004

Expedites for Design Services Amendment
to the Interconnection Agreement
between
Qwest Corporation
and

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

DIECA Communications, Inc. d/b/a Covad Communications Company
for the State of South Dakota

This Amendment ("Amendment") is to the Interconnection Agreement between Qwest Corporation (f/k/a U S WEST Communications, Inc.) ("Qwest"), a Colorado corporation, and DIECA Communications, Inc. d/b/a Covad Communications Company ("CLEC"), a Virginia corporation.

RECITALS

WHEREAS, the Parties entered into an Interconnection Agreement, for service in the State of South Dakota, that was approved by the South Dakota Public Utilities Commission on November 18, 1999, as referenced in Docket No. TC99-017 ("Agreement"); and

WHEREAS, the Parties wish to amend the Agreement under the terms and conditions contained herein.

AGREEMENT

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions contained in this Amendment and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

Amendment Terms

The Agreement is hereby amended by adding terms, conditions and rates for Expedites for Design Services, as set forth in Attachment 1 and Exhibit A, attached hereto and incorporated herein.

Rates in Exhibit A shall be updated to reflect legally binding decisions of the Commission and shall be applied on a prospective basis from the effective date of the legally binding Commission decision, unless otherwise ordered by the Commission.

Effective Date

This Amendment shall be deemed effective upon Commission approval; however, the Parties may agree to implement the provisions of this Amendment upon execution. To accommodate this need, CLEC must generate, if necessary, an updated Customer Questionnaire. In addition to the Questionnaire, all system updates will need to be completed by Qwest. CLEC will be notified when all system changes have been made. Actual order processing may begin once these requirements have been met. Additionally, Qwest shall implement any necessary billing changes within two (2) billing cycles after the latest execution date of this Amendment, with a true-up back to the latest execution date of this Amendment by the end of the second billing cycle. The Parties agree that so long as Qwest implements the billing changes and the true-up as set forth above, the CLEC's bills shall be deemed accurate and adjusted without error.

Amendments; Waivers

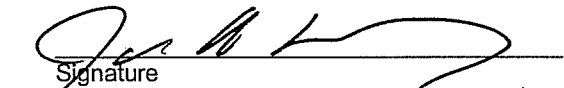
Except as modified herein, the provisions of the Agreement shall remain in full force and effect. The provisions of this Amendment, including the provisions of this sentence, may not be amended, modified or supplemented, and waivers or consents to departures from the provisions of this Amendment may not be given without the written consent thereto by both Parties' authorized representative. No waiver by any Party of any default, misrepresentation, or breach of warranty or covenant hereunder, whether intentional or not, will be deemed to extend to any prior or subsequent default, misrepresentation, or breach of warranty or covenant hereunder or affect in any way any rights arising by virtue of any prior or subsequent such occurrence.

Entire Agreement

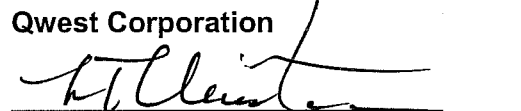
The Agreement as amended (including the documents referred to herein) constitutes the full and entire understanding and agreement between the Parties with regard to the subjects of the Agreement as amended and supersedes any prior understandings, agreements, or representations by or between the Parties, written or oral, to the extent they relate in any way to the subjects of the Agreement as amended.

The Parties intending to be legally bound have executed this Amendment as of the dates set forth below, in multiple counterparts, each of which is deemed an original, but all of which shall constitute one and the same instrument.

**DIECA Communications, Inc. d/b/a
Covad Communications Company**


Signature
James A. Kirkland
Name Printed/Typed
SUP / General Counsel
Title
9/2/04
Date

Qwest Corporation


Signature
L. T. Christensen
Name Printed/Typed
Director - Interconnection Agreements
Title
9/13/04
Date

ATTACHMENT 1

1.0 Expedites for Design Services

1.1 Description

1.1.1 Expedites are requests for an improved standard interval that is shorter than the interval defined in Qwest's Service Interval Guide (SIG) or CLEC's Interconnection Agreement (ICA), Individual Case Basis (ICB) or committed to ICB (Ready for Service (RFS) + Interval) date.

1.2 Terms and Conditions

1.2.1 When Qwest receives an ASR or LSR with the EXP populated and the DDD is less than the standard interval, Qwest will determine if the request is eligible for an expedite without a call from you. If the request meets the criteria for the Pre-Approved Expedite process, Qwest will process the request and return a FOC acknowledging the expedited due date. The appropriate expedite charge will be added to your service order.

1.2.2 If the request does not meet the criteria for the Pre-Approved Expedite process, the ASR or LSR will be processed under the guidelines for Expedites Requiring Approval as described in the PCAT.

1.2.3 The Pre-Approved expedite process is available in all states except WA for the products listed in the PCAT. It is not necessary to call Qwest to have the expedite approved.

1.3 Rate Elements

1.3.1 The expedite charge Identified in Exhibit A applies for every day that the due date interval is shortened, based on the standard interval in the SIG, ICA, or ICB criteria.

1.4 Ordering Process

1.4.1 CLEC will request an expedite on a Local Service Request (LSR) or Access Service Request (ASR).

1.4.2 All requests must include an expedited Due Date, and Qwest will return an FOC acknowledging the expedited Due Date.

EXHIBIT A – SOUTH DAKOTA

			Recurring	Non-Recurring
1.0	Expedites for Design Services	Per order, per day event		\$200.00

South Dakota Public Utilities Commission
WEEKLY FILINGS

For the Period of September 17, 2004 through September 22, 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

TC04-199 **In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement Between Qwest Corporation and DIECA Communications, Inc. D/B/A Covad Communications Company**

On September 17, 2004, the Commission received a filing for approval of an Expedites for Design Services Amendment to the Interconnection Agreement between Qwest Corporation and DIECA Communications, Inc., d/b/a Covad Communications Company. The parties state that the amendment adds terms, conditions, and rates for Expedites For Design Services. Any party wishing to comment on the Amendment may do so by filing written comments with the Commission and the parties to the Amendment no later than Thursday, October 7, 2004. Parties to the Amendment may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Sara B. Harens
Date Filed: 09/17/04
Initial Comments Due: 10/07/04

TC04-200 **In the Matter of the Filing by Level 3 Communications, LLC for Approval of Revisions to its Intrastate Switched Access Tariff.**

On September 5, 2003, Level 3 Communications LLC filed a petition asking for exemption from developing company-specific cost-based switched access rates. On November 13, 2003, the Commission issued an Order granting Level 3 an exemption and approved a request to mirror the Qwest Corporation tariffed intrastate access rates. On January 20, 2004, Qwest Corporation filed to reduce the Carrier Common Line rate. On May 13, 2004, the Commission issued an Order approving Qwest's rate reduction. On August 27, 2004, Level 3 filed tariff revisions to reduce its Carrier Common Line rate to mirror Qwest's rate.

Staff Analyst: Keith Senger
Staff Attorney: Karen Cremer/Sara Harens
Date Filed: 08/27/04
Intervention Deadline: 10/01/04

TC04-201 **In the Matter of the Filing by Qwest Corporation of its Notice of Deletion of Exhibit B-1 and Modifications to Exhibit B of its Statement of Generally Available Terms and Conditions (SGAT) and Motion to Modify the Qwest Performance Assurance Plan Found in Exhibit K of its SGAT.**

On September 16, 2004, Qwest Corporation (Qwest) submitted an updated Exhibit B to the Statement of Generally Available Terms and Conditions (SGAT) comprising Version 8.0, which is the Performance Indicator Definitions. Qwest requests that Exhibit B-1 be deleted from the SGAT. Qwest also submitted its revised Qwest Performance Assurance Plan (QPAP) found in Exhibit K of the SGAT for modifications to reflect changes from the June 24, 2004, filing of an updated Exhibit B that took effect pursuant to 47 U.S.C. Section 252(f)(3) sixty days later. Qwest

requests that the Commission approve Exhibit B and QPAP, as revised and modified, designate PO-20 as Tier 1 Medium without a Tier 2 assignment, 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. Qwest requests that the Commission approve the modifications and permit the amended Exhibit B to go into effect on October 1, 2004, but in any event pursuant to 47 U.S.C. Section 252(f)(3) no later than 60 days after submission. Further, Qwest requests, pursuant to Section 16 of the QPAP, that the changes automatically apply to all existing interconnection agreements that contain Exhibit B, Exhibit B-1 and the QPAP, Exhibit K as exhibits.

Staff Analyst: Harlan Best
Staff Attorney: Karen E. Cremer
Date Filed: 09/16/04
Intervention Deadline: 10/08/04

TC04-202 In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and Sancom, Inc. d/b/a Mitchell Telecom.

On September 20, 2004, the Commission received a filing for approval of a Triennial Review Order and USTA II Decision Amendment to the Interconnection Agreement between Qwest Corporation and Sancom Inc. d/b/a Mitchell Telecom. The parties state that the amendment changes or adds terms, conditions, and rates for certain network elements. Any party wishing to comment on the Amendment may do so by filing written comments with the Commission and the parties to the Amendment no later than Thursday, October 12, 2004. Parties to the Amendment may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Sara B. Harens
Date Filed: 09/20/04
Initial Comments Due: 10/12/04

TC04-203 In the Matter of the Filing by Kadoka Telephone Company for Approval of Revisions to its Intrastate Switched Access Rates.

On September 21, 2004, Kadoka Telephone Company, Kadoka, South Dakota, filed revised Switched Access Tariff rates with a proposed effective date of October 20, 2004. In accordance with ARSD 20:10:27:12, the switched access rates are the average of all cost companies (for the year ended December 31, 2003) in South Dakota, excluding Qwest Corporation.

Staff Analyst: Harlan Best
Staff Attorney: Karen E. Cremer/Sara Harens
Date Filed: 09/21/04
Intervention Deadline: 10/08/04

TC04-204 In the Matter of the Filing by Hills Telephone Company, Inc. for Designation as an Eligible Telecommunications Carrier.

On September 21, 2004, Hills Telephone Company, Inc. (Hills) submitted a Petition for Designation as an Eligible Telecommunications Carrier (ETC) pursuant to Section 241(e)(2) of the Telecommunications Act of 1934, as amended (Act), 47 U.S.C. Section 214(e)(2), and Section 54.201 of the Federal Communications Commission (FCC) rules, 47 C.F.R. Section 54.201. Hills requests that it be designated as eligible to receive all available support from the federal Universal Service Fund (USF) including, but not limited to, support for rural, insular and high-cost areas and low-income customers. Section 214(e)(1) of the Act and Section 54.201(d)

of the FCC's rules provide that carriers designated as ETCs shall, throughout their service area, (1) offer the services that are supported by federal universal service support mechanisms either using their own facilities or a combination of their own facilities and resale of another carrier's services, and (2) advertise the availability of such services and the charges therefor using media of general distribution. Hills is a full-service wireline communications carrier which will offer all of these services as soon as the sale of the Valley Springs Exchange closes by utilizing the existing facilities and infrastructure currently utilized by Sioux Valley Telephone Company. Hills requests that the Public Utilities Commission: (1) enter an Order designating Hills as an ETC for its requested ETC service area; and (2) certify to the FCC that Hills will use the federal USF support for its intended purposes.

Staff Analyst: Harlan Best
Staff Attorney: Karen E. Cremer
Date Filed: 09/21/04
Intervention Deadline: 10/08/04

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You may subscribe or unsubscribe to the PUC mailing lists at <http://www.state.sd.us/puc>**

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

IN THE MATTER OF THE FILING FOR) APPROVAL OF AN AMENDMENT TO AN) INTERCONNECTION AGREEMENT BETWEEN) QWEST CORPORATION AND DIECA) COMMUNICATIONS, INC. D/B/A COVAD) COMMUNICATIONS COMPANY)	ORDER APPROVING AMENDMENT TO AGREEMENT TC04-199
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On September 17, 2004, Qwest Corporation (Qwest) filed for approval by the South Dakota Public Utilities Commission (Commission) an amendment to an interconnection agreement between DIECA Communications, Inc. d/b/a Covad Communications Company (DIECA) and Qwest. The amendment is made in order to add to the agreement the terms, conditions and rates for Expedites for Design Services, as set forth in Attachment 1 and Exhibit A to the amendment.

On September 23, 2004, the Commission electronically transmitted notice of the filing of the amendment to interested individuals and entities. The notice stated that any person wishing to comment on the parties' request for approval had until October 7, 2004, to do so. No comments were filed.

At its duly noticed October 26, 2004, meeting, the Commission considered whether to approve the negotiated amendment to the agreement between Qwest and DIECA. 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 amendment does not discriminate against a telecommunications carrier that is not a party to the amendment and the amendment is consistent with the public interest, convenience, and necessity. The Commission unanimously voted to approve the amendment to the agreement. It is therefore

ORDERED, that the Commission approves the negotiated amendment to the agreement as described herein.

Dated at Pierre, South Dakota, this 4th day of November, 2004.

CERTIFICATE OF SERVICE
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>William Kalls</i></u>
Date: <u>11/4/04</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner