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OCT 27 2004

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Attorneys at Law

October 26, 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

P.O. Box 5015

Re: Expedites for Design Services Amendment to the Interconnection Agreement
between New Edge Network, Inc. d/b/a New Edge Networks and Qwest
Corporation
Our File No. 2104.078

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 New Edge Network, Inc. d/b/a New Edge Networks ("New Edge") and Qwest Corporation ("Qwest") for approval by the Commission. This is an amendment to the interconnection agreement between New Edge and Qwest which was approved by the Commission effective October 28, 2002 in Docket No. TC02-113.

F: 605-334-0618

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Russell R. Greenfield

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*Heather R. Springer**

Heith R. Janke

Darin W. Larson

Michael F. Tobin

Christopher W. Madsen

*Sherri L. Rotert***

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

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

Sincerely yours,

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

Thomas J. Welk

TJW/vjj

Enclosures

cc: Robert McMillin – New Edge
Colleen Sevold
Philynda Dillard

*Also licensed in Kansas

**Also licensed in Colorado

J.W. Boyce (1884-1915)

Expedites for Design Services Amendment
to the Interconnection Agreement
between
Qwest Corporation
and
New Edge Network Inc. dba New Edge Networks
for the State of South Dakota

RECEIVED
OCT 27 2004
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

This Amendment ("Amendment") is to the Interconnection Agreement between Qwest Corporation (f/k/a U S WEST Communications, Inc.) ("Qwest"), a Colorado corporation, and New Edge Network Inc. dba New Edge Networks ("CLEC"), a Delaware 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 October 28, 2002, as referenced in Docket No. TC02-113 ("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

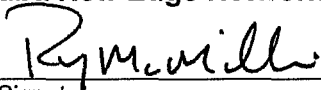
Except as modified herein, the provisions of the Agreement shall remain in full force and effect. The provisions of this Amendment, including the provisions of this sentence, may not be amended, modified or supplemented, and waivers or consents to departures from the provisions of this Amendment may 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.

**New Edge Network Inc.
dba New Edge Networks**



Signature

Robert Y. McMillin

Name Printed/Typed

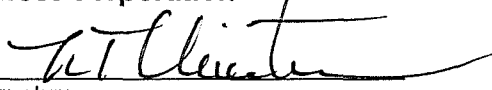
Senior Director - Interconnection

Title

10/19/04

Date

Qwest Corporation



Signature

L. T. Christensen

Name Printed/Typed

Director - Interconnection Agreements

Title

10/21/04

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 October 21, 2004 through October 27, 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

TC04-208 In the Matter of the Filing for Approval of an Amendment to an Adoption Agreement between Qwest Corporation and Southwestern Bell Communications Services Inc. d/b/a SBC Long Distance.

On October 21, 2004, the Commission received a filing for approval of a Triennial Review Order and USTA II Decision Amendment between Qwest Corporation and Southwestern Bell Communications Services Inc. d/b/a SBC Long Distance. According to the parties, the amendment is made in order to change or add 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 November 10, 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: 10/21/04
Initial Comments Due: 11/10/04

TC04-209 In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and Z-Tel Communications, Inc.

On October 27, 2004, the Commission received a filing for approval of an Elimination of UNE-P and Implementation of Batch Hot Cut Process and Discounts Amendment between Qwest Corporation and Z-Tel Communications, Inc. 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 November 16, 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: 10/27/04
Initial Comments Due: 11/16/04

TC04-210 In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and New Edge Network, Inc. d/b/a New Edge Networks

On October 27, 2004, the Commission received a filing for approval of an Expedites for Design Services Amendment between Qwest Corporation and New Edge Network, Inc. d/b/a New Edge Networks. According to the parties, the amendment is made in order to add 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 November 16, 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: 10/27/04
Initial Comments Due: 11/16/04

TC04-211 In the Matter of the Filing for Approval of an Adoption Agreement between Qwest Corporation and NorthStar Telecom, Inc.

On October 27, 2004, the Commission received a filing for approval of an Adoption Agreement between Qwest Corporation and NorthStar Telecom, Inc., a wholly owned subsidiary of Midwest Marketing Group, Inc. According to the parties, "NorthStar wishes to adopt, in its entirety, the terms of the Interconnection Agreement and any associated amendments, if applicable, between AT&T Communications of the Midwest, Inc. and Qwest that was approved by the Commission on May 13, 2004." 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 November 16, 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: Sara B. Harens
Date Filed: 10/27/04
Initial Comments Due: 11/16/04

TC04-212 In the Matter of the Filing for Approval of an Amendment to an Adoption Agreement between Qwest Corporation and NorthStar Telecom, Inc.

On October 27, 2004, the Commission received a filing for approval of a Triennial Review Order and USTA II Decision Amendment between Qwest Corporation and NorthStar Telecom, Inc., a wholly owned subsidiary of Midwest Marketing Group, Inc. According to the parties, the amendment is made in order to change or add terms, conditions and rates for certain UNEs. 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 November 16, 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: 10/27/04
Initial Comments Due: 11/16/04

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

IN THE MATTER OF THE FILING FOR)	ORDER APPROVING
APPROVAL OF AN AMENDMENT TO AN)	AMENDMENT TO
INTERCONNECTION AGREEMENT BETWEEN)	AGREEMENT
QWEST CORPORATION AND NEW EDGE)	
NETWORK, INC. D/B/A NEW EDGE)	TC04-210
NETWORKS)	

On October 27, 2004, Qwest Corporation (Qwest) filed for approval by the South Dakota Public Utilities Commission (Commission) an amendment to an interconnection agreement between New Edge Network, Inc. d/b/a New Edge Networks (New Edge) and Qwest. The amendment is made in order to add to the agreement terms, conditions and rates for Expedites for Design Services as set forth in Attachment 1 and Exhibit A to the amendment.

On October 28, 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 November 16, 2004, to do so. No comments were filed.

At its duly noticed November 19, 2004, meeting, the Commission considered whether to approve the negotiated amendment to the agreement between Qwest and New Edge. 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 22nd 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>Delaine Kolbo</u>
Date: <u>11/22/04</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