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**Melissa Thompson**  
Senior Attorney

October 26, 2005

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

Re: "Survival of Certain Agreements" between Qwest Corporation ("Qwest") and  
DIECA Communications, Inc. d/b/a Covad Communications ("Covad") for the  
State of South Dakota

Dear Ms. Bonrud:

This letter and the attached agreement titled, "Survival of Certain Agreements", are being submitted to the Commission by Qwest for informational purposes. On September 23, 2005, Qwest filed a new interconnection agreement between Qwest and Covad ("New ICA") with the Commission. The New ICA terminated the pre-existing interconnection agreement ("Pre-existing ICA") between the parties. But the parties agreed that certain amendments to the Pre-existing ICA and certain other agreements between the parties would remain in full force and effect. For clarification, the parties executed the enclosed "Survival of Certain Agreements" and now Qwest respectfully submits that agreement to the Commission for its information.

Nothing herein shall be deemed a waiver of Qwest's position that the QPP Agreement is not subject to the filing requirements of section 252 of the Telecommunications Act of 1996 or of Covad's position that the QPP Agreement is subject to those requirements.

Contact information for Covad is as follows:

Gregory Diamond  
COVAD COMMUNICATIONS, INC.  
7901 Lowry Boulevard  
Denver, Colorado 80230  
Telephone: 720-670-1069  
Facsimile: 720-670-3350  
gdiamond@covad.com

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We have also enclosed a copy of this letter for date-stamping. Please return that copy to us. If you have any questions or concerns, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa K. Thompson", with a long horizontal flourish extending to the right.

Melissa K. Thompson

Enclosures

cc: Colleen Sevold (w/o enclosure)  
Greg Diamond (w/o enclosure)

## **SURVIVAL OF CERTAIN AGREEMENTS**

This Agreement regarding the Survival of Certain Agreements ("Agreement") is between DIECA Communications, Inc. d/b/a Covad Communications Company ("CLEC"), a Virginia corporation, and Qwest Corporation ("Qwest"), a Colorado corporation (collectively, the "Parties").

On November 18, 1999, the South Dakota Commission (the "Commission") approved an Interconnection Agreement between the Parties, for service in the State of South Dakota, as referenced in Docket No. TC99-017 ("Pre-existing ICA").

The Parties have now executed a new Interconnection Agreement, which the Parties are now filing with the Commission for approval ("New ICA"). Upon approval by the Commission, the New ICA will replace the Parties' Pre-existing ICA.

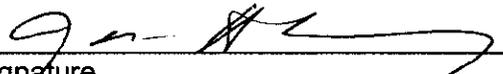
The Parties concur that certain agreements (listed below) are to survive the termination of the Pre-existing ICA, and will continue to remain operative as set forth therein for their stated terms or, if not specified, for the life of the New ICA. These agreements were previously filed with and approved by the Commission, except where noted that the agreement is not subject to Section 252 of the Telecommunications Act.

<u>Agreement</u>	<u>Date Executed</u>
Qwest Master Services Agreement V 2-1 (QPP) (Contract Dated February 25, 2005)	March 15, 2005
Elimination of UNE-P and Implementation of Batch Hot Cut Process (Version 2-1) (Contract Dated February 25, 2005)	March 15, 2005
Enhanced Extended Loop (EEL) Amendment (Contract Dated December 17, 2004)	January 12, 2005
Commercial Line Sharing Amendment (Contract Dated June 29, 2004)	July 14, 2004
Expedites for Design Services Amendment (Contract Dated August 19, 2004)	September 13, 2004
Provided to the Commission for Informational Purposes Only (Not a Section 252 Agreement):	
Commercial Line Sharing Arrangements (As amended)	April 14, 2004 September 10, 2004

Nothing herein shall be deemed as a waiver of Qwest's position that the QPP Agreement is not subject to the filing requirements of Section 252 of the federal Telecommunications Act, 47 U.S.C. 252 or CLEC's position that it is subject to those requirements.

Agreed:

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

  
\_\_\_\_\_  
Signature

James A. Kirkland  
Name Printed/Typed

SVP / General Counsel  
Title

10-5-05  
Date

**Qwest Corporation**

  
\_\_\_\_\_  
Signature

L.T. Christensen  
Name Printed/Typed

Director - Interconnection Agreements  
Title

10/10/05  
Date