

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

<b>IN THE MATTER OF THE FILING FOR )</b>	<b>ORDER APPROVING FIRST,</b>
<b>APPROVAL OF FIRST, SECOND AND THIRD )</b>	<b>SECOND AND THIRD</b>
<b>AMENDMENTS TO AN INTERCONNECTION )</b>	<b>AMENDMENTS TO</b>
<b>AGREEMENT BETWEEN DSLNET )</b>	<b>AGREEMENT</b>
<b>COMMUNICATIONS, LLC AND U S WEST )</b>	
<b>COMMUNICATIONS, INC. )</b>	<b>TC99-086</b>

On April 12, 2000, U S WEST Communications, Inc. (U S WEST) filed for approval by the South Dakota Public Utilities Commission (Commission) a second amendment to an interconnection agreement between DSLnet Communications, LLC (DSLnet) and U S WEST. The second amendment allows DSLnet to access certain preexisting combinations of unbundled network elements in accordance with the FCC's November 5, 1999 Order and related federal regulations. The second amendment adds terms, conditions and rates with regard to unbundled network elements.

On June 5, 2000, U S WEST Communications, Inc. (U S WEST) filed for approval by the South Dakota Public Utilities Commission (Commission) a first amendment to an interconnection agreement between DSLnet Communications, LLC (DSLnet) and U S WEST. The first amendment adds provisions to include UDIT, ADSL and line conditioning along with the associated rate elements.

On July 19, 2000, Qwest Corporation, fka U S WEST Communications, Inc. (U S WEST) filed for approval by the South Dakota Public Utilities Commission (Commission) a third amendment to an interconnection agreement between DSLnet Communications, LLC (DSLnet) and U S WEST. The third amendment allows DSLnet to add terms and conditions with regard to LIS Inter Local Calling Area Facility and terms, conditions and rates with regard to unbundled dark fiber.

On April 13, 2000, the Commission electronically transmitted notice of the filing of the second amendment to interested individuals and entities. The notice stated that any person wishing to intervene had until April 28, 2000, to do so. No interventions or comments were filed.

On June 8, 2000, the Commission electronically transmitted notice of the filing of the first amendment to interested individuals and entities. The notice stated that any person wishing to comment on the parties' request for approval had until June 26, 2000, to do so. No comments were filed.

On July 20, 2000, the Commission electronically transmitted notice of the filing of the third amendment to interested individuals and entities. The notice stated that any person wishing to comment on the parties' request for approval had until August 8, 2000, to do so. No comments were filed.

At its duly noticed September 13, 2000, meeting, the Commission considered whether to approve the negotiated first, second and third amendments to the agreement between U S WEST and DSLnet. 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 first, second and third amendments do not discriminate against a telecommunications carrier that is not a party to the first, second and third amendments and the first, second and third amendments are consistent with the public interest, convenience, and necessity. The Commission unanimously voted to approve the first, second and third amendments to the agreement. It is therefore

ORDERED, that the Commission approves the negotiated first, second and third amendments to the agreement as described herein.

Dated at Pierre, South Dakota, this 19th day of September, 2000.

<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>Delaine Kalbo</i></u>
Date: <u><i>9/20/00</i></u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*James A. Burg*  
JAMES A. BURG, Chairman

*Pam Nelson*  
PAM NELSON, Commissioner

*Laska Schoenfelder*  
LASKA SCHOENFELDER, Commissioner