

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

|                                   |                 |
|-----------------------------------|-----------------|
| IN THE MATTER OF THE FILING FOR ) | ORDER APPROVING |
| APPROVAL OF AN AGREEMENT FOR )    | AGREEMENT       |
| INTERCONNECTION, UNBUNDLED )      |                 |
| NETWORK ELEMENTS, ANCILLARY )     | TC01-020        |
| SERVICES AND RESALE OF )          |                 |
| TELECOMMUNICATIONS SERVICES )     |                 |
| BETWEEN QWEST CORPORATION AND )   |                 |
| FIBERCOMM, L.C. )                 |                 |

On March 9, 2001, Qwest Corporation (Qwest) filed for approval by the South Dakota Public Utilities Commission (Commission) an interconnection agreement between FiberComm, L.C. (FiberComm) and Qwest.

On March 15, 2001, 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 March 29, 2001, to do so. No comments were filed.

At its duly noticed July 10, 2001, meeting, the Commission considered whether to approve the agreement between Qwest and FiberComm. 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 agreement does not discriminate against a telecommunications carrier that is not a party to the agreement and the agreement is consistent with the public interest, convenience, and necessity. The Commission unanimously voted to approve the agreement. It is therefore

ORDERED, that the Commission approves the agreement.

Dated at Pierre, South Dakota, this 12<sup>th</sup> day of July, 2001.

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| <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>          Melaine Kalbo          </u>   |
| Date: <u>          7/13/01          </u>   |
| (OFFICIAL SEAL)  |

BY ORDER OF THE COMMISSION:

          James A. Burg            
JAMES A. BURG, Chairman

          Pam Nelson            
PAM NELSON, Commissioner