

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

IN THE MATTER OF A CONFIDENTIAL ) SETTLEMENT DOCUMENT IN LETTER ) FORMAT BETWEEN U S WEST, INC. AND ) MCLEODUSA )	ORDER FINDING FILING NOT MANDATORY  TC03-005
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The above agreement was filed with the Commission on June 13, 2002, as a confidential exhibit to the Affidavit of Todd Lundy in Docket TC01-165. On November 22, 2002, in the Order Regarding the Public Interest, the Commission ruled that the issue of whether this agreement was a mandatory filing should be considered separate from the TC01-165 docket. Pursuant to that Order, this docket was opened for the purpose of receiving a Commission ruling on whether this agreement should have been filed pursuant to the mandatory filing requirements of section 252(e)(1) of the 1996 Telecommunications Act. Qwest requested confidential treatment of the contents of this agreement pursuant to ARSD chapter 20:10:01.

On January 16, 2003, the Commission electronically transmitted notice of the filing of the agreement to interested individuals and entities. The notice stated that any person wishing to comment on the agreement had until February 5, 2003, to do so. On February 6, 2003, the Commission received comments from AT&T Communications of the Midwest, Inc.. On February 25, 2003, the Commission received a response from Qwest Corporation.

At its duly noticed June 17, 2003, meeting, the Commission considered this matter. The Commission voted unanimously that this filing does not fall under the mandatory filing requirements of section 252(a)(1) of the Telecommunications Act of 1996, and therefore does not require Commission approval. It is therefore

ORDERED, that this filing does not require Commission approval.

Dated at Pierre, South Dakota, this 26<sup>th</sup> day of June, 2003.

<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>Hilaine Kolbo</i></u>
Date: <u>6/26/03</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