

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

IN THE MATTER OF THE FILING FOR))	ORDER APPROVING
APPROVAL OF AN INTERCONNECTION))	SETTLEMENT AGREEMENT;
AGREEMENT BETWEEN MIDCONTINENT))	GRANTING MOTION TO
COMMUNICATIONS AND INTERSTATE))	DISMISS AND CLOSING
TELECOMMUNICATIONS COOPERATIVE, INC.))	DOCKET
		TC03-192

On November 12, 2003, Midcontinent Communications (Midcontinent) filed for approval by the South Dakota Public Utilities Commission (Commission) an interconnection agreement between Interstate Telecommunications Cooperative, Inc. (ITC) and Midcontinent. On December 22, 2003, the Commission issued an order approving the interconnection agreement in accordance with 47 U.S.C. Section 252. On March 10, 2004, Midcontinent filed a Motion to Compel Local Number Porting or Good Faith Negotiation requesting the Commission to establish a procedural schedule, schedule an evidentiary hearing, order ITC to engage in good faith negotiations to be concluded on or before May 6, 2004, and order ITC to provide wire to wire porting not later than May 24, 2004. On March 30, 2004, ITC filed an Opposition to Motion to Compel. The Commission considered the scheduling issues at its regular meeting on April 6, 2004, and voted unanimously to establish a procedural schedule and to schedule the matter for hearing on June 21, 2004. By order dated May 4, 2004, a hearing in this matter was scheduled for June 21, 2004. The hearing was held as scheduled.

On July 6, 2004, the Commission received a Settlement Agreement from Midcontinent. On July 9, 2004, the Commission received a Motion to Dismiss from Midcontinent.

The Commission has jurisdiction in this matter pursuant to SDCL Chapter 49-31, including 49-31-3, 49-31-80 and 49-31-81 and Sections 251 and 252 of the Telecommunications Act of 1996, 47 U.S.C. Sections 251 and 252 and ARSD 20:10:32:39.

The Commission considered this matter at its July 20, 2004, meeting. Staff recommended that the Commission approve the Settlement Agreement and grant the Motion to Dismiss. The Commission voted to approve the Settlement Agreement and grant the Motion to Dismiss. It is therefore

ORDERED, that the Settlement Agreement is approved and is attached hereto; and it is further

ORDERED, that the Motion to Dismiss is hereby granted and this docket is closed.

Dated at Pierre, South Dakota, this 18th day of August, 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: _____
Date: _____
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

ROBERT K. SAHR, Chairman

GARY HANSON, Commissioner

JAMES A. BURG, Commissioner