BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING FOR APPROVAL OF AN AMENDMENT TO AN INTERCONNECTION AGREEMENT BETWEEN QWEST CORPORATION AND NEW ROCHELLE TELEPHONE CORP. F/K/A PECONIC TELCO, INC.	))))))	ORDER DISAPPROVING AMENDMENT TO AGREEMENT TC05-038

On February 25, 2005, the South Dakota Public Utilities Commission (Commission) received a filing from Qwest Corporation (Qwest) for approval of an amendment to a negotiated agreement between Qwest and New Rochelle Telephone Corp. f/k/a Peconic Telco, Inc. (New Rochelle) pursuant to 47 U.S.C. §§ 252(a)(1) and 252(e).

On March 3, 2005, 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 17, 2005, to do so. No comments were filed.

At its duly noticed July 28, 2005, meeting, the Commission considered whether to approve the amendment to the agreement between Qwest and New Rochelle. Commission Staff recommended not approving the amendment to the agreement as New Rochelle did not have an agreement approved by the Commission in South Dakota.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-81, and the Federal Telecommunications Act of 1996. Upon review of the amendment to the agreement, the Commission found that pursuant to 47 U.S.C. § 252(e)(2)(A), the implementation of this amendment to the agreement would be inconsistent with the public interest, convenience, and necessity. It is therefore

ORDERED, that pursuant to 47 U.S.C. § 252(e) and SDCL 49-31-81, the Commission does not approve the amendment to the agreement which is the subject of this docket.

Dated at Pierre, South Dakota, this 2nd day of August, 2005.

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: Delaine Kolbo

Date: 8/3/05

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson

GARY HANSON, Chairman

Robert K. Sahr

ROBERT K. SAHR, Commissioner

Dustin M. Johnson

DUSTIN M. JOHNSON, Commissioner