

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

IN THE MATTER OF THE FILING FOR) APPROVAL OF AN ADOPTION AGREEMENT) BETWEEN QWEST CORPORATION AND KMC) DATA, LLC))))))	ORDER APPROVING WITHDRAWAL OF AGREEMENT TC05-050
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On March 10, 2005, the South Dakota Public Utilities Commission (Commission) received a filing from KMC Data, LLC (KMC) for approval of an adoption agreement between Qwest Corporation (Qwest) and KMC pursuant to 47 U.S.C. §§ 252(a)(1) and 252(e).

On March 16, 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 30, 2005, to do so. Parties to the agreement had until twenty days of the date of service of these comments to file their written responses to the comments. On April 11, 2005, the Commission received a Motion to Reopen Record and Allow Late Filed Comments and Comments and Motion to Dismiss or, in the Alternative, Request for Disapproval from Qwest. On April 26, 2005, KMC requested that the agreement be withdrawn.

At its duly noticed April 26, 2005, meeting, the Commission considered whether to approve the withdrawal of the adoption agreement between Qwest and KMC. Commission Staff recommended approval of the withdrawal.

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 request for withdrawal, the Commission voted to approve it. It is therefore

ORDERED, that the Commission approves the withdrawal of the adoption agreement which is the subject of this docket.

Dated at Pierre, South Dakota, this 5th day of May, 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:	<i>Helaine Kolbo</i>
Date:	<i>5/5/05</i>
(OFFICIAL SEAL)	

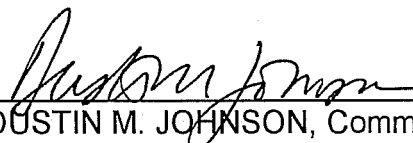
BY ORDER OF THE COMMISSION:



GARY HANSON, Chairman



ROBERT K. SAHR, Commissioner



DUSTIN M. JOHNSON, Commissioner