

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

IN THE MATTER OF THE PETITION OF LEVEL ) ORDER ASSESSING FILING  
3 COMMUNICATIONS, LLC FOR ) FEE  
ARBITRATION OF AN INTERCONNECTION )  
AGREEMENT WITH QWEST CORPORATION ) TC06-007

On January 26, 2006, Level 3 Communications, LLC (Level 3) filed with the South Dakota Public Utilities Commission (Commission) a Petition for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 for Rates, Terms, and Conditions of Interconnection with Qwest Corporation (Qwest). In its Petition, Level 3 requested that the Commission arbitrate certain terms and conditions of a proposed Interconnection Agreement between Level 3 and Qwest. Pursuant to ARSD 20:10:32:30, Qwest may respond to the Petition and provide additional information by February 21, 2006. On February 21, 2006, Qwest Corporation (Qwest) submitted its response to the Petition for Arbitration.

At its May 23, 2006, meeting, the Commission considered the assessment of filing fees and setting a procedural schedule. The Commission voted to require the parties to make a deposit not to exceed \$75,000.00, pursuant to SDCL 49-31-44. SDCL 49-31-44 authorizes the Commission to require a deposit of up to seventy-five thousand dollars (\$75,000) in the telecommunications investigation fund to defray Commission expenses incident to analyzing and ruling upon this type of filing. No action was taken on the procedural schedule

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, and 47 U.S.C. section 252. The Commission may rely upon any or all of these or other laws of this state in making its determination. It is therefore

ORDERED, that each of the parties shall deposit an initial assessment of \$2,500.00 in the telecommunications investigation fund and shall deposit any additional amounts as requested by the Deputy Executive Director up to the statutory limit of \$75,000.00.

Dated at Pierre, South Dakota, this 5<sup>th</sup> day of June, 2006.

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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>6/8/06</u>  |
| (OFFICIAL SEAL)  |

BY ORDER OF THE COMMISSION:

Robert K. Sahr  
ROBERT K. SAHR, Chairman

Dustin M. Johnson  
DUSTIN M. JOHNSON, Commissioner

Gary Hanson  
GARY HANSON, Commissioner