

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

<b>IN THE MATTER OF THE FILING FOR ) APPROVAL OF A RESALE AGREEMENT ) BETWEEN QWEST CORPORATION AND ) EASTON TELECOM SERVICES, LLC )</b>	<b>ORDER DISAPPROVING AGREEMENT  TC09-081</b>
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On July 1, 2009, the South Dakota Public Utilities Commission (Commission) received a filing from Qwest Corporation (Qwest) for approval of a negotiated agreement between Qwest and Easton Telecom Services, LLC (Easton Telecom) pursuant to 47 U.S.C. §§ 252(a)(1) and 252(e).

On July 2, 2009, 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 July 21, 2009, to do so. No comments were filed.

At its duly noticed September 22, 2009, meeting, the Commission considered whether to approve the agreement between Qwest and Easton Telecom. Commission Staff recommended not approving the agreement as Easton Telecom does not have a certificate of authority to provide local service 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 agreement, the Commission found that pursuant to 47 U.S.C. § 252(e)(2)(A), the implementation of this agreement would be inconsistent with the public interest, convenience, and necessity since a party to the agreement is not authorized to provide service in South Dakota. It is therefore

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

Dated at Pierre, South Dakota, this 6<sup>th</sup> day of October, 2009.

<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, electronically.
By: <u>Reidine Kolbe</u>
Date: <u>10/6/09</u>
(OFFICIAL SEAL)

**BY ORDER OF THE COMMISSION:**

  
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DUSTIN M. JOHNSON, Chairman

  
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STEVE KOLBECK, Commissioner

  
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GARY HANSON, Commissioner