

TC03-090

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In the Matter of _____ IN THE MATTER OF THE FILING FOR APPROVAL OF AN AMENDMENT TO AN INTERCONNECTION AGREEMENT BETWEEN QWEST CORPORATION AND MIDCONTINENT COMMUNICATIONS _____

Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
5/30 03	<i>Filed and Docketed;</i>
6/5 03	<i>Weekly Filings;</i>
7/14 03	<i>Order Approving Amendment to Agreement;</i>
7/14 03	<i>Docket Closed.</i>

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May 29, 2003

RECEIVED

MAY 30 2003

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Pam Bonrud, Executive Director
Public Utilities Commission of the State of South Dakota
500 East Capitol Avenue
Pierre, SD 57501

Re: Filing of End Office with Local Tandem Functionality Amendment to Agreement
between Qwest Corporation and Midcontinent Communications
Our File No. 2104.078

Dear Ms. Bonrud:

Pursuant to ARSD 20:10:32:21 enclosed for filing are an original and ten (10) copies of the End Office with Local Tandem Functionality Amendment to the Interconnection Agreement between Midcontinent Communications (f/k/a Midco Communications, Inc.) ("Midco") and Qwest Corporation ("Qwest") for approval by the Commission. This is an amendment to the negotiated agreement between Midco and Qwest which was approved by the Commission effective May 5, 1999 in Docket No. TC99-023.

The Amendment is made in order to add End Office with Local Tandem Functionality language to the Agreement as follows: To the extent Qwest is using a specific end office to deliver limited tandem switching functionality to itself, a wireless service provider, another CLEC, or another ILEC, it will arrange the same trunking for CLEC.

Midco has authorized Qwest to submit these Agreements on Midco's behalf.

Sincerely yours,

BOYCE, GREENFIELD, PASHBY & WELK, L.L.P.



Thomas J. Welk

TJW/vjj

Enclosures

cc: W. Tom Simmons, Midco (enclosure letter only)
Colleen Sevold
Mary Sullivan

**End Office with Local Tandem Functionality (EO w/LTF) Amendment
to the
Interconnection Agreement
between
Qwest Corporation
and
Midcontinent Communications (f/k/a Midco Communications, Inc.)
for the State of South Dakota**

RECEIVED

MAY 30 2003

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

This is an Amendment ("Amendment") to the Interconnection Agreement between Qwest Corporation (f/k/a U S WEST Communications, Inc.) ("Qwest"), a Colorado corporation, and Midcontinent Communications (f/k/a Midco Communications, Inc.) ("CLEC").

RECITALS

WHEREAS, the Parties entered into an Interconnection Agreement, for service in the State of South Dakota, that was approved by the South Dakota Public Utilities Commission on May 5, 1999, as referenced in Docket No. TC99-023 ("Agreement"); and

WHEREAS, the Parties wish to amend the Agreement under the terms and conditions contained herein.

AGREEMENT

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions contained in this Amendment and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

Amendment Terms

This Amendment is made in order to add End Office with Local Tandem Functionality (EO w/LTF) language to the Agreement as set forth below:

To the extent Qwest is using a specific end office to deliver limited tandem switching functionality to itself, a wireless service provider, another CLEC, or another ILEC, it will arrange the same trunking for CLEC.

Effective Date

This Amendment shall be deemed effective upon Commission approval; however, the Parties may agree to implement the provisions of this Amendment upon execution. To accommodate this need, CLEC must generate, if necessary, an updated Customer Questionnaire. In addition to the Questionnaire, all system updates will need to be completed by Qwest. CLEC will be notified when all system changes have been made. Actual order processing may begin once these requirements have been met.

Amendments; Waivers

The provisions of this Amendment, including the provisions of this sentence, may not be amended, modified or supplemented, and waivers or consents to departures from the provisions of this Amendment may not be given without the written consent thereto by both Parties' authorized representative. No waiver by any Party of any default, misrepresentation, or breach of warranty or covenant hereunder, whether intentional or not, will be deemed to extend to any prior or subsequent default, misrepresentation, or breach of warranty or covenant hereunder or affect in any way any rights arising by virtue of any prior or subsequent such occurrence.

Entire Agreement

This Amendment (including the documents referred to herein) constitutes the full and entire understanding and agreement between the Parties with regard to the subjects of this Amendment and supersedes any prior understandings, agreements, amendments or representations by or between the Parties, written or oral, to the extent they relate in any way to the subjects of this Amendment.

The Parties intending to be legally bound have executed this Amendment as of the dates set forth below, in multiple counterparts, each of which is deemed an original, but all of which shall constitute one and the same instrument.

Midcontinent Communications



Authorized Signature

W. Tom Simmons

Name Printed/Typed

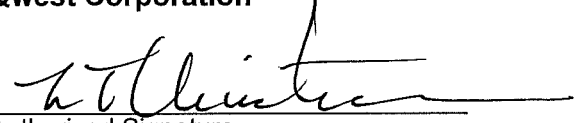
VICE PRESIDENT - PUBLIC POLICY

Title

5/14/03

Date

Qwest Corporation



Authorized Signature

L. T. Christensen

Name Printed/Typed

Director - Business Policy

Title

5/19/03

Date

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of May 29, 2003 through June 4, 2003

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this report. Phone: 605-773-3705

ELECTRIC

EL03-019 In the Matter of the Filing by Montana-Dakota Utilities Co. for Approval of Tariff Revisions.

Application by Montana-Dakota Utilities Co. for approval to update Occasional Power Purchase Non-Time Differentiated Rate 95, Short-Term Power Purchase Time Differentiated Rate 96 and Long-Term Power Purchase Time Differentiated Rate 97. Pursuant to Commission Order and tariffed terms and conditions, these rates are reviewed annually and revised when necessary. The rates proposed were developed using the same methodology as was used for the rates currently on file.

Staff Analyst: Dave Jacobson
Staff Attorney: Karen Cremer
Date Docketed: 06/03/03
Intervention Deadline: 06/20/03

EL03-020 In the Matter of the Filing by Xcel Energy for Approval of the Inclusion of Financial Incentives in its Fuel Clause.

Application by Xcel Energy (Xcel) for approval to continue flowing the costs and effects of its hedging transactions for years 2002 and 2003 through its fuel clause pursuant to the terms and conditions ordered in Docket EL99-021. The Commission's decision in Docket EL99-021 approved Xcel's proposal to flow the costs and effects of hedging transactions through Xcel's fuel clause with conditions, including recurring annual approval and biannual reporting requirements. Xcel neglected to obtain approval to continue inclusion of its hedging activity in its fuel clause for the year 2002 and now requests that approval and also approval for 2003. Xcel is also requesting that the reporting requirement be revised to now be annual instead of biannual.

Staff Analyst: Dave Jacobson
Staff Attorney: Kelly Frazier
Date Docketed: 06/03/03
Intervention Deadline: 06/20/03

TELECOMMUNICATIONS

TC03-090 In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and Midcontinent Communications.

On May 30, 2003, the Commission received a Filing of End Office with Local Tandem

Functionality Amendment to Agreement between Qwest Corporation (Qwest) and Midcontinent Communications (f/k/a Midco Communications "Midco"). According to the parties, the Amendment is an amendment to the negotiated agreement reached between the parties which was approved by the Commission effective May 5, 1999, in Docket TC99-023. The amendment is made in order to add End Office with Local Tandem Functionality language to the Agreement, stating that to the extent Qwest is using a specific end office to deliver limited tandem switching functionality to itself, a wireless service provider, another CLEC, or another ILEC, it will arrange the same trunking for the CLEC. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than June 19, 2003. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier

Date Docketed: 05/30/03

Initial Comments Due: 06/19/03

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

IN THE MATTER OF THE FILING FOR)	ORDER APPROVING
APPROVAL OF AN AMENDMENT TO AN)	AMENDMENT TO
INTERCONNECTION AGREEMENT BETWEEN)	AGREEMENT
QWEST CORPORATION AND MIDCONTINENT)	
COMMUNICATIONS)	TC03-090

On May 30, 2003, Qwest Corporation (Qwest) filed for approval by the South Dakota Public Utilities Commission (Commission) an amendment to an interconnection agreement between Midcontinent Communications (Midcontinent) and Qwest. The Amendment is made in order to add End Office with Local Tandem Functionality language to the agreement stating that to the extent Qwest is using a specific end office to deliver limited tandem switching functionality to itself, a wireless service provider, another CLEC, or another ILEC, it will arrange the same trunking for the CLEC.

On June 5, 2003, the Commission electronically transmitted notice of the filing of the amendment to interested individuals and entities. The notice stated that any person wishing to comment on the parties' request for approval had until June 19, 2003, to do so. No comments were filed.

At its duly noticed July 1, 2003, meeting, the Commission considered whether to approve the negotiated amendment to the agreement between Qwest and Midcontinent. Commission Staff recommended its approval.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, and the Federal Telecommunications Act of 1996. In accordance with 47 U.S.C. § 252(e)(2), the Commission found that the amendment does not discriminate against a telecommunications carrier that is not a party to the amendment and the amendment is consistent with the public interest, convenience, and necessity. The Commission unanimously voted to approve the amendment to the agreement. It is therefore

ORDERED, that the Commission approves the negotiated amendment to the agreement as described herein.

Dated at Pierre, South Dakota, this 14th day of July, 2003.

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: <u><i>Debrae Kolbo</i></u>
Date: <u>7/16/03</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner