

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

|                                     |                     |
|-------------------------------------|---------------------|
| IN THE MATTER OF THE FILING FOR )   | ORDER APPROVING     |
| APPROVAL OF A SECOND AMENDMENT TO ) | SECOND AMENDMENT TO |
| AN INTERCONNECTION AGREEMENT )      | AGREEMENT           |
| BETWEEN QWEST CORPORATION AND )     |                     |
| NEWPATH HOLDINGS, INC. )            | TC01-034            |

On April 2, 2001, Qwest Corporation (Qwest) filed for approval by the South Dakota Public Utilities Commission (Commission) a second amendment to an interconnection agreement between NewPath Holdings, Inc. (NewPath) and Qwest. The second amendment replaces the existing Collocation Section, in its entirety, with the attached Collocation terms, conditions and rates, as set forth in Attachment 1 and Exhibit A to this amendment.

On April 5, 2001, the Commission electronically transmitted notice of the filing of the second amendment to interested individuals and entities. The notice stated that any person wishing to comment on the parties' request for approval had until April 23, 2001, to do so. No comments were filed.

At its duly noticed May 8, 2001, meeting, the Commission considered whether to approve the negotiated second amendment to the agreement between Qwest and NewPath. 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 second amendment does not discriminate against a telecommunications carrier that is not a party to the second amendment and the second amendment is consistent with the public interest, convenience, and necessity. The Commission unanimously voted to approve the second amendment to the agreement. It is therefore

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

Dated at Pierre, South Dakota, this 11<sup>th</sup> day of May, 2001.

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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><i>Relaine Kees</i></u>   |  |
| Date: <u>5/14/01</u>   |  |
| (OFFICIAL SEAL)  |  |

BY ORDER OF THE COMMISSION:

*James A. Burg*  
JAMES A. BURG, Chairman

*Pam Nelson*  
PAM NELSON, Commissioner