

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

IN THE MATTER OF THE FILING FOR )  
APPROVAL OF STATEMENT OF GENERALLY )  
AVAILABLE TERMS AND CONDITIONS FOR )  
INTERCONNECTION, UNBUNDLED )  
NETWORK ELEMENTS, ANCILLARY )  
SERVICES AND RESALE OF )  
TELECOMMUNICATIONS SERVICES )  
BETWEEN QWEST CORPORATION AND KMC )  
TELECOM V, INC. )

**ORDER APPROVING  
AGREEMENT**

TC02-028

On March 22, 2002, the Commission received for approval a Filing of Statement of Generally Available Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services and Resale of Telecommunications Services between Qwest Corporation (Qwest) and KMC Telecom V, Inc. (KMC).

On March 28, 2002, 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 April 11, 2002, to do so. No comments were filed.

At its duly noticed August 15, 2002, meeting, the Commission considered whether to approve the agreement between Qwest and KMC. 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 agreement does not discriminate against a telecommunications carrier that is not a party to the agreement and the agreement is consistent with the public interest, convenience, and necessity. The Commission unanimously voted to approve the agreement. It is therefore

ORDERED, that the Commission approves the agreement.

Dated at Pierre, South Dakota, this 29<sup>th</sup> day of August, 2002.

<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>Tina Dager</u>
Date: <u>8-29-02</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Robert K. Sahr  
ROBERT K. SAHR, Commissioner

J. H. [Signature]