

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

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| <b>IN THE MATTER OF THE FILING FOR )<br/>APPROVAL OF AN INTERCONNECTION )<br/>AGREEMENT BETWEEN MIDCONTINENT )<br/>COMMUNICATIONS, INC. AND MCLEODUSA )<br/>TELECOM DEVELOPMENT, INC. AND )<br/>DAKOTA COMMUNITY TELEPHONE, INC. )</b> | ) | <b>ORDER APPROVING<br/>AGREEMENT<br/><br/>TC02-051</b> |
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On May 22, 2002, the Commission received for approval a filing of an Interconnection Agreement between McLeodUSA Telecom Development, Inc., McLeodUSA Telecommunications Systems, Inc., McLeodUSA Incorporated, (all three collectively "McLeodUSA") and Midcontinent Communications, Inc. (Midcontinent).

On May 23, 2002, the Commission electronically transmitted notice of the filing to interested individuals and entities. The notice stated that any person wishing to comment on the parties' request for approval had until June 11, 2002, to do so. No comments were filed.

On May 29, 2002, the parties submitted a new title page and page 1 of the Interconnection Agreement. The revisions stated that the interconnection agreement was between McLeodUSA Telecom Development, Inc. (CLEC) and Dakota Community Telephone, Inc. (ILEC) (collectively "McLeodUSA") and Midcontinent.

At its duly noticed August 15, 2002, meeting, the Commission considered whether to approve the agreement between McLeodUSA and Midcontinent. Commission Staff stated that Section VIII (C), Most Favored Nation Terms and Treatment, needed to be deleted and the parties had agreed to the deletion. Commission Staff recommended approval upon receipt of the revised agreement.

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, upon deletion of the language as recommended above, 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, if revised. On August 23, 2002, the Commission received the revised agreement with the language deleted. It is therefore

ORDERED, that the Commission approves the agreement as revised.

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

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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>Tina Dargatzis</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. Sahrbj  
ROBERT K. SAHR, Commissioner

John Smith  
by John Smith