

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

IN THE MATTER OF THE FILING FOR) APPROVAL OF AN AGREEMENT FOR TERMS) AND CONDITIONS FOR INTERCONNECTION,) UNBUNDLED NETWORK ELEMENTS,) ANCILLARY SERVICES AND RESALE OF) TELECOMMUNICATION SERVICES BETWEEN) QWEST CORPORATION AND EXCEL) TELECOMMUNICATIONS, INC.)	ORDER APPROVING) AGREEMENT) TC02-093)
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On July 15, 2002, the Commission received for approval a filing of an Agreement for Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services and Resale of Telecommunication Services between Qwest Corporation (Qwest) and Excel Telecommunications, Inc. (Excel).

On July 18, 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 August 4, 2002, to do so. No comments were filed.

At its duly noticed September 5, 2002, meeting, the Commission considered whether to approve the agreement between Qwest and Excel. 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 18th day of September, 2002.

<p>CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u><i>Aldino Kalbo</i></u></p> <p>Date: <u><i>9/20/02</i></u></p> <p align="center">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

James A. Burg
 JAMES A. BURG, Chairman

Pam Nelson
 PAM NELSON, Commissioner

Robert K. Sahr
 ROBERT K. SAHR, Commissioner