

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

IN THE MATTER OF THE FILING FOR)	ORDER APPROVING
APPROVAL OF AGREEMENTS BETWEEN)	AGREEMENTS
QWEST CORPORATION AND COVAD)	
COMMUNICATIONS COMPANY AND QWEST)	TC02-165
CORPORATION AND MCLEODUSA)	
TELECOMMUNICATIONS SERVICES, INC.)	

On September 25, 2002, the Commission received for approval a filing of the following agreements: (i) U S WEST Service Level Agreement with Covad Communications Company dated April 19, 2000; (ii) Confidential Billing Settlement Agreement between U S WEST and McLeodUSA Telecommunications Services, Inc. dated April 28, 2000; (iii) Confidential Settlement Agreement between U S WEST and McLeodUSA Telecommunications Services, Inc. dated May 1, 2000; and, (iv) Confidential Agreement between Qwest Corporation and McLeodUSA Telecommunications Services, Inc. dated October 26, 2000.

On September 26, 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 October 15, 2002, to do so. No comments were filed.

At its duly noticed December 19, 2002, meeting, the Commission considered whether to approve the above mentioned agreements. 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 agreements do not discriminate against a telecommunications carrier that is not a party to the agreements and the agreements are consistent with the public interest, convenience, and necessity. The Commission unanimously voted to approve the agreements. The Commission reserved its right to consider at a later date whether Qwest Corporation, as successor to U S WEST and on its own behalf, may have violated South Dakota and/or federal law by failing to file the above interconnection agreements prior to their becoming effective and, if so, what relief might be appropriate. It is therefore

ORDERED, that the Commission approves the agreements.

Dated at Pierre, South Dakota, this 3rd day of January, 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>Alaine Kalbo</u>
Date: <u>1/6/03</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