

**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 XO)
NETWORK SERVICES, INC. (FOURTH)
REVISION))

**ORDER APPROVING
AGREEMENT**

TC04-007

On January 16, 2004, 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 (Fourth Revision) between Qwest Corporation (Qwest) and XO Network Services, Inc. (XO Network).

On January 22, 2004, 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 February 5, 2004, to do so. No comments were filed.

At its duly noticed February 17, 2004, meeting, the Commission considered whether to approve the agreement between Qwest and XO Network. 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 25th day of February, 2004.

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>Hellaine Kolbo</u>
Date:	<u>2/26/04</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner