

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

IN THE MATTER OF THE FILING FOR ) APPROVAL OF AN INTERIM PERIOD ) AGREEMENT BETWEEN QWEST ) CORPORATION AND XO COMMUNICATIONS ) SERVICES, INC. )	ORDER APPROVING AGREEMENT  TC05-172
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On September 12, 2005, the Commission received for approval a filing of an Interim Period Agreement between Qwest Corporation (Qwest) and XO Communications Services, Inc. (XO).

On September 15, 2005, 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 3, 2005, to do so. No comments were filed.

At its duly noticed November 1, 2005, meeting, the Commission considered whether to approve the agreement between Qwest and XO. 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 2<sup>nd</sup> day of November, 2005.

<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>          Melaine Kaelbo          </u>
Date: <u>          11/7/05          </u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

          Gary Hanson            
GARY HANSON, Chairman

          Robert K. Sahr            
ROBERT K. SAHR, Commissioner

          Dustin M. Johnson            
DUSTIN M. JOHNSON, Commissioner