

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

<b>IN THE MATTER OF THE PETITION OF DIECA )</b>	<b>ORDER FOR AND NOTICE</b>
<b>COMMUNICATIONS, INC. D/B/A COVAD )</b>	<b>OF PROCEDURAL</b>
<b>COMMUNICATIONS COMPANY FOR )</b>	<b>SCHEDULE</b>
<b>ARBITRATION OF AN INTERCONNECTION )</b>	
<b>AGREEMENT WITH QWEST CORPORATION )</b>	<b>TC05-056</b>

On March 28, 2005, DIECA Communications, Inc. d/b/a Covad Communications Company (Covad) filed a petition to arbitrate certain terms and conditions of a proposed Interconnection Agreement between Covad and Qwest Corporation (Qwest). In its petition, Covad states that "Covad and Qwest have been unable to come to agreement on all terms, particularly certain terms relating to Qwest's continuing obligations to provide unbundled access to certain elements pursuant to section 271 of the Act and South Dakota law." Pursuant to ARSD 20:10:32:30, Qwest was allowed to respond to this "petition for arbitration and provide additional information within 25 days after the commission receives the petition." On April 25, 2005, Qwest filed a response.

At its May 10, 2005, meeting, the Commission considered how to proceed with this matter. The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-81 and ARSD 20:10:32:30 through 20:10:32:36. The parties agreed to brief the issues raised by the arbitration petition and agreed that no hearing was needed. The Commission set the following schedule:

Simultaneous initial briefs shall be filed on or before June 3, 2005;

Simultaneous reply briefs shall be filed on or before June 24, 2005;

Oral arguments shall be heard at the Commission meeting scheduled for June 28, 2005;

The Commission shall make its decision at its July 12, 2005 meeting.

It is therefore

ORDERED, that the parties shall follow the schedule as listed above.

Dated at Pierre, South Dakota, this 17<sup>th</sup> day of May, 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><i>Melaine Kalbo</i></u>
Date: <u>5/17/05</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 *dk*