

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

**IN THE MATTER OF THE FILING BY QWEST )  
CORPORATION FOR APPROVAL OF )  
WITHDRAWAL OF SECTION 252(f) )  
STATEMENT OF GENERALLY AVAILABLE )  
TERMS COMPLIANCE )**

**ORDER GRANTING  
INTERVENTION**

**TC07-078**

On June 15, 2007, Qwest Corporation (Qwest) filed to withdraw its Statement of Generally Available Terms and Conditions (SGAT) in South Dakota. "Qwest's SGAT has become outdated because applicable law has changed since Qwest last filed revisions to its SGAT. The Triennial Review Order, the TRRO, and abolition of the pick and choose requirement in favor of the all-or-nothing rule have made many SGAT terms incompatible with existing and controlling law. Further, the SGAT has not been used as the interconnection contract template for over two (2) years. In contrast to other provisions of the SGAT, Qwest's Performance Indicator Definitions (PIDs) included as Exhibit B to the SGAT and the Performance Assurance Plan (PAP) have been the subject of periodic review and updates pursuant to processes contained in the PAP. The purpose of these reviews has been to provide current performance indicator definitions to the Commissions for their application across all CLECs. Because this process thus far has been a successful method of applying current performance indicator definitions on a non-discriminatory basis, Qwest will continue to make PIDs and the PAP available to CLECs until such time as the PAP, found in Exhibit K of the SGAT, is withdrawn or otherwise eliminated."

On June 21, 2007, the Commission electronically transmitted notice of the filing and the intervention deadline of July 6, 2007, to interested individuals and entities. On June 29, 2007, the Commission received a Petition to Intervene from Level 3 Communications, LLC (Level 3).

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31 and ARSD 20:10:01:15.05.

At a regularly scheduled meeting of August 7, 2007, the Commission found that the Petition to Intervene demonstrated good cause to grant intervention. It is therefore

ORDERED, that the Petition to Intervene of Level 3 is hereby granted.

Dated at Pierre, South Dakota, this 14<sup>th</sup> day of August, 2007.

**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: Melaine Kolbe

Date: 8/16/07

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson  
DUSTIN M. JOHNSON, Chairman

Gary Hanson  
GARY HANSON, Commissioner

Steve Kolbeck  
STEVE KOLBECK, Commissioner