

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

IN THE MATTER OF THE PETITION OF LEVEL)	ORDER GRANTING MOTION
3 COMMUNICATIONS, LLC FOR)	TO DISMISS DOCKET AND
ARBITRATION OF AN INTERCONNECTION)	CLOSING DOCKET
AGREEMENT WITH QWEST CORPORATION)	TC06-007

On January 26, 2006, Level 3 Communications, LLC (Level 3) filed with the South Dakota Public Utilities Commission (Commission) a Petition for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 for Rates, Terms, and Conditions of Interconnection with Qwest Corporation (Qwest). In its Petition, Level 3 requested that the Commission arbitrate certain terms and conditions of a proposed Interconnection Agreement between Level 3 and Qwest. Pursuant to ARSD 20:10:32:30, Qwest may respond to the Petition and provide additional information by February 21, 2006. On February 21, 2006, Qwest Corporation (Qwest) submitted its response to the Petition for Arbitration.

On March 14, 2007, the Commission received a Notice of Waiver of the Provisions of Section 252(b)(4)(C) and ARSD 20:10:32:32 and Agreement to Extend Deadline from Level 3. At its regularly scheduled meeting of May 23, 2007, the Commission unanimously voted to assess the parties an initial deposit of \$2,500.00 each. On June 6, 2006, the Commission received a Notice of Additional Waiver of the Provisions of Section 252(b)(4)(C) and ARSD 20:10:32:32 and Agreement to Extend Deadline from Level 3. On May 7, 2007, the Commission received a Motion to Withdraw Petition and Terminate Arbitration Proceedings and Notice of Adoption of Qwest's Statement of Generally Available Terms from Level 3. At its May 22, 2007, Commission meeting, the Commission unanimously voted to grant the Motion to Withdraw Petition and Terminate Arbitration Proceedings.

On May 24, 2007, the Commission received Qwest's Response to Level 3's Notice of Adoption of SGAT. On May 31, 2007, the Commission received Level 3's Reply Comments. On July 2, 2008, the Commission received Qwest's Response to the Reply filed by Level 3 on May 30, 2007. On July 23, 2007, the Commission received Level 3's Comments in Reply to Qwest's Response filed on July 2, 2007. On August 6, 2007, the Commission received Qwest's Response to the Reply filed by Level 3 on July 23, 2007. On December 15, 2008, the Commission received a Motion to Dismiss Docket from Qwest. At its ad hoc meeting on December 16, 2008, the Commission considered the Motion to Dismiss Docket. No action was taken on the Motion to Dismiss Docket.

At its regularly scheduled meeting on May 5, 2009, the Commission again considered the Motion to Dismiss Docket. Staff recommended granting the Motion. No party objected to granting the Motion. The Commission voted unanimously to grant the Motion to Dismiss Docket.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, and 47 U.S.C. section 252. The Commission may rely upon any or all of these or other laws of this state in making its determination. It is therefore

ORDERED, that the Motion to Dismiss Docket is hereby granted and the docket closed.

Dated at Pierre, South Dakota, this 5th day of May, 2009.

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, electronically.

By: *Aldine Kolbo*

Date: 5/8/09

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman *dk*

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner