

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

IN THE MATTER OF THE FILING FOR)	ORDER DISAPPROVING
APPROVAL OF A RESALE AGREEMENT)	AGREEMENT
BETWEEN QWEST CORPORATION AND)	
VIRTUAL NETWORK SOLUTIONS, INC.)	TC09-016

On April 1, 2009, the South Dakota Public Utilities Commission (Commission) received a filing from Qwest Corporation (Qwest) for approval of a negotiated agreement between Qwest and Virtual Network Solutions, Inc. (Virtual) pursuant to 47 U.S.C. §§ 252(a)(1) and 252(e).

On April 9, 2009, 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 April 21, 2009, to do so. No comments were filed.

At its duly noticed May 5, 2009, meeting, the Commission considered whether to approve the agreement between Qwest and Virtual. Commission Staff recommended not approving the agreement as Virtual did not have a certificate of authority to provide local service in South Dakota and believed the agreement was filed in error. Qwest agreed it was a mistake to file it and stated Virtual does not resell telecommunications services in South Dakota.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-81, and the Federal Telecommunications Act of 1996. Upon review of the agreement, the Commission found that pursuant to 47 U.S.C. § 252(e)(2)(A), the implementation of this agreement would be inconsistent with the public interest, convenience, and necessity. It is therefore

ORDERED, that pursuant to 47 U.S.C. § 252(e) and SDCL 49-31-81, the Commission does not approve the agreement which is the subject of this docket.

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: <u><i>Delaine Kolbo</i></u>
Date: <u>5/8/09</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner