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**PATRICK W. DURICK**

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July 22, 2008

RECEIVED

JUL 22 2008

COMMUNICATIONS COMMISSION

HAND DELIVERED

Illona Jeffcoat-Sacco  
Executive Director  
North Dakota Public Service Commission  
Capitol  
600 East Boulevard, Ninth Floor  
Bismarck, North Dakota 58505

Re: Midcontinent Communications/NDTC  
PETITION FOR APPROVAL OF AGREEMENT

Dear Illona:

Enclosed for filing are the original and seven copies of MIDCONTINENT COMMUNICATION'S PETITION FOR APPROVAL OF AGREEMENT.

This document is also being transmitted electronically to your office. Also enclosed is an extra copy of the Petition to be filed stamped and returned in the self-addressed, stamped envelope.

Thank you for your attention to this matter.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

PEARCE & DURICK

Patrick W. Durick

Counsel to Midcontinent Communications

PWD/ak

Enclosures

cc: Donald Negaard (via email)  
Annette Bendish (via email)  
Mary Lohnes (via email)  
J.G. Harrington (via email)

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**PU-08-578** Filed: 7/22/2008 Pages: 8  
**Agreement and Petition for Approval of Agreement**

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

IN THE MATTER OF:

Case No.

Midcontinent Communications, a	)
South Dakota Partnership,	)
	)
Complainant,	)
	)
vs.	)
	)
North Dakota Telephone Company,	)
	)
Respondent.	)

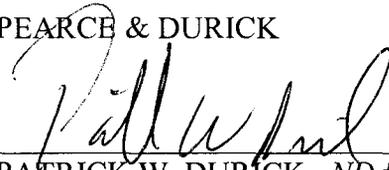
**MIDCONTINENT COMMUNICATION'S PETITION FOR APPROVAL OF**  
**AGREEMENT**

On January 10, 2008, pursuant to 47 U.S.C. § 251(f)(1)(B) Midcontinent Communications ("Midcontinent") filed a Notice of Bona Fide Request for wholesale resale of telecommunications services that the North Dakota Telephone Company ("NDTC"), the incumbent local exchange carrier for the Rugby exchange, provides at retail to subscribers who are not telecommunications carriers for the Rugby exchange and also for facilities based interconnection for that exchange. Thereafter, Midcontinent and NDTC voluntarily entered into an AMENDMENT TO INTERCONNECTION AGREEMENT. Said agreement is marked as Exhibit "A" and attached hereto.

WHEREFORE, Midcontinent requests that the Commission enter an Order approving the AMENDMENT TO INTERCONNECTION AGREEMENT pursuant to 47 U.S.C. § 252(e)(1).

Dated this 12<sup>th</sup> day of July, 2008.

PEARCE & DURICK



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*Attorneys for Midcontinent Communications*

# AMENDMENT TO INTERCONNECTION AGREEMENT

THIS AMENDMENT TO INTERCONNECTION AGREEMENT ("Amendment") is effective as of the March 31, 2008 (the "Effective Date"), by and between Midcontinent Communications, a South Dakota Partnership ("Midcontinent") with offices at 5001 West 41<sup>st</sup> Street, Sioux Falls, SD 57106 and North Dakota Telephone Company ("NDTC") with offices at 211 22<sup>nd</sup> St NW, PO Box 180, Devils Lake, ND 58301. This Amendment may refer to either NDTC or Midcontinent or both as a "Party" or "Parties."

## WITNESSETH

WHEREAS, NDTC is a local exchange telecommunications company authorized to provide telecommunications services in the state of North Dakota; and

WHEREAS, Midcontinent is a competitive local exchange telecommunications company authorized to provide telecommunications services in the state of North Dakota; and

WHEREAS, the Parties have entered into an agreement (the "Agreement") pursuant to Sections 251 of the Telecommunications Act of 1996 ("the Act") for the purposes of resale of NDTC service, and that agreement has been approved by the North Dakota Public Service Commission (the "Commission"); and

WHEREAS, the Parties wish to interconnect their facilities and exchange Telecommunications Traffic specifically for the purposes of fulfilling their obligations pursuant to Sections 251 of the Act.

NOW THEREFORE, in consideration of the mutual agreements contained herein, NDTC and Midcontinent agree as follows:

### 1. Substitution of Amended Terms and Conditions

Upon approval of this Amendment by the Commission, the Parties shall substitute the following documents attached hereto for the corresponding documents in their current Agreement:

#### 1.1 General Terms and Conditions

##### 1.1.1 Section 2.2

The resale and facilities based provisions of this Agreement shall be effective in the Rugby exchange on March 31, 2008 and July 31, 2008 respectively.

EXHIBIT A

1.1.2 Exhibit 1 - Attached

1.2 Resale Attachment 1 Exhibit B – Area of Resale - Attached

1.3 Interconnection Attachment Section 2.4.1.1.1

The Parties will establish local trunk groups for the exchange of Local/EAS Traffic and ISP Bound Traffic (“Local Interconnection Trunks”) on the Direct Interconnection Facility. One Local Interconnection Trunk Group will be established for each exchange where CLEC is competing. The Parties agree that all Local/EAS Traffic and ISP Bound Traffic exchanged between them will be on trunks exclusively dedicated to such traffic. Neither Party will terminate InterLATA toll traffic or originate untranslated traffic to service codes (e.g. 800, 888) over Local Interconnection Trunks.

1.4 Pre-Ordering and Ordering Attachment Section 2.2

2.2.1 The New Service Provider (NSP) shall place simple or complex orders for services by submitting a Service Order (“SO”) to the Old Service Provider (OSP). A simple order request is defined as a port only request that (1) does not involve unbundled network elements (2) involve an account only for a single line (3) does not include complex switch translations (e.g., Centrex, ISDN, AIN services, remote call forwarding, or multiple services on the loop/line) (4) does not include a reseller. All orders not meeting these criteria shall be complex orders.

2.2.2 The required Simple Port Service Request (SPSR) fields consist of: Account Number, Telephone Number, Pass Code (if applicable), and Zip Code. The Parties agree to also include the customer name and address, Customer Carrier Name Abbreviation, Purchase Order Number, Desired Due Date/Time, Requisition Type, Company Code, Telephone Number (Initiator), End-User Line Treatment, New Network Service Provider, Supplemental order notice and Version, if applicable to aid in provisioning of the simple port order request.

2.2.3 The New Service Provider must submit requests for all Complex Ports on the ATIS OBF Standard Local Service Request (LSR) Form.

2.2.4 The OSP shall bill the NSP a service order charge as specified in the Pricing Attachment for each SO submitted, regardless of whether that SO is later supplemented, clarified or cancelled. An

individual SO will be identified for billing purposes by its Purchase Order Number ("PON")

2.2.5 Orders containing less than 5 lines whether simple or complex shall be provisioned using standard intervals.

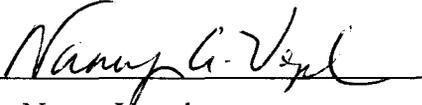
### 1.5 Ancillary Services Attachment

#### Section 1.1

ILEC utilizes Ramsey County and Pierce County for the provision of 911/E-911 services. The CLEC is responsible for connecting to Ramsey County and Pierce County and populating Ramsey and Pierce County's database. All relations between County and CLEC are totally separate from this Agreement and ILEC makes no representations on behalf of Ramsey and Pierce County.

1. Continuance of Current Arrangements
2. The current Agreement shall remain in effect until such time as this Amendment is approved by the Commission.

IN WITNESS WHEREOF, the Parties have executed this Amendment the day and year written below.

<b>NDTC</b>	<b>Midcontinent</b>
By:  Name: Dave Dircks Title: General Manager Date: <u>May 20, 2008</u>	By:  Name: Nancy Vogel Title: Director of Revenue Assurance Date: <u>6/25/08</u>

# Exhibit 1

## EAS INTERCONNECTION NETWORK ARRANGEMENTS TABLE

### LOCAL CALLING SCOPE AND NPA/NXXS

<u>Exchanges in Local Calling Area</u>	<u>Midcontinent NPA/NXX</u>	<u>NDTC NPA/NXX</u>
Devils Lake Calling Area:		
Devils Lake	701-544	701-662, 665
Crary		701-398
Fort Totten		701-766
Penn		701-393
Starkweather		701-292
Warwick		701-294
Webster		701-395
Rugby Local Calling Area:		
Rugby	N/A	701-776
Balta		701-542
Knox		701-583

## AREA OF RESALE

### **Exchange Name**

Devils Lake, North Dakota  
Rugby, North Dakota