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March 9, 2012



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**RECEIVED**

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**PUBLIC SERVICE COMMISSION**

Mr. Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 E Blvd Ave  
Bismarck, ND 58505-0480

Re: Fourth Amendment to Interconnection Agreement between North Dakota Telephone Company (NDTC) and Midcontinent Communications (Midco) for the Exchanges at the State of North Dakota

Enclosed for filing for approval by the North Dakota Public Service Commission (The Commission) pursuant to 47 U.S.C. § 252 and N.D. Cent. Code § 49-21-01.7 is The Fourth Amendment to the existing Interconnection Agreement between NDTC and Midco. Previous Amendments were, as follows:

- 3) Third Amendment to Interconnection Agreement was approved by The Commission on August 24, 2010.
- 2) Second Amendment to Interconnection Agreement was approved by The Commission on August 12, 2009.
- 1) First Amendment to Interconnection Agreement was approved by The Commission on December 3, 2008.

Contact information for the companies is as follows:

**Midcontinent Communications**

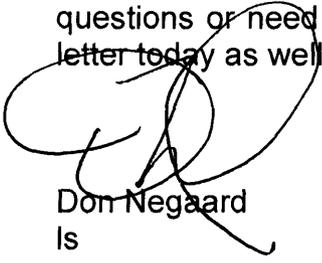
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Thank you for your help with this matter. Please contact our office if you have any questions or need any other information. We are filing an electronic PDF copy of this letter today as well.



Don Negaard  
Is

Enclosure

cc: Dave Dircks, NDTC  
Tom Moorman, Woods Aitken DC  
Nancy Vogel, Midcontinent Communications

# **FOURTH AMENDMENT TO INTERCONNECTION AGREEMENT**

THIS FOURTH AMENDMENT TO INTERCONNECTION AGREEMENT ("Amendment") is effective as of the 1st day of January, 2012 (the "Effective Date"), by and between Midcontinent Communications, a South Dakota Partnership ("Midcontinent") with offices at 3901 N. Louise Avenue, Sioux Falls, SD 57107 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 Section 251 of the Telecommunications Act of 1996 ("the Act") for the purposes of resale of NDTC service and an amendment thereto effective March 1, 2007 (the "Replacement Agreement"), and that Replacement Agreement has been approved by the North Dakota Public Service Commission (the "Commission"); and

WHEREAS, the Parties wish to further amend the Replacement Agreement under the terms and conditions established herein 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. Amendment of Replacement Agreement

Upon approval of this Amendment by the Commission, the Parties shall substitute the following sections, as noted, in the General Terms and Attachment 4 in the Replacement Agreement:

General Terms and Conditions

8. Responsibility for Payment

NDTC will render to Midcontinent monthly bill(s) for interconnection and facilities provided hereunder at the rates set forth in this Agreement (including its Attachments) or in NDTC's applicable tariffs. Midcontinent shall pay bills in accordance with terms of this Agreement. In the event that Midcontinent defaults on its payment obligation to NDTC, NDTC's service to Midcontinent will be terminated and any security deposits held will be applied to the outstanding balance owed by Midcontinent to NDTC.

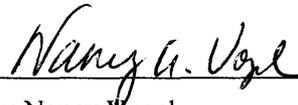
Attachment 4 – Interconnection Attachment, Section 3 Compensation

3.1.3 If CLEC chooses to lease Direct Interconnection Facilities from the ILEC to reach the POI, CLEC shall compensate ILEC for such leased Direct Interconnection Facilities used for the transmission and routing of telephone exchange service and exchange access service between the Parties and to interconnect with ILEC's network at the rates contained in the applicable ILEC tariff; provided, however, that if the CLEC elects to lease Direct Interconnection Facilities from a Fiber Meet Point to the POI and that mutually agreed upon fiber meet point is located within the ILEC service area, the Parties agree that CLEC shall pay to ILEC a per-interconnection trunk charge for capacity equivalent to a DS1 of Five Hundred Dollars (\$500) per month with a minimum order of two (2).

2. All other rates, terms and conditions of the Replacement Agreement shall remain in full force and effect and shall be modified only to the extent provided for in Paragraph 1, above.

3. NDTC shall file this Amendment with the Commission pursuant to the requirements of the Commission and Section 252 of the Act.

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

<b>NDTC</b>	<b>Midcontinent</b>
North Dakota Telephone Company	Midcontinent Communications By Midcontinent Communications Investor, LLC, Managing Partner of Midcontinent Communications
By: 	By: 
Name: Dave Dircks	Name: Nancy Vogel
Title: General Manager	Title: Director of Revenue Assurance
Date: <u>3/7/12</u>	Date: <u>3-6-12</u>