

# **DIVIDER**

**STATE OF NORTH DAKOTA  
INFORMATION TECHNOLOGY DEPARTMENT  
SFN 2053 (4-2002)**

**PU-2448-00-627**

**DSLnet Communications, LLC/Qwest Corporation  
Interconnection Agreement**

**Application**

**00**

**Filed 11/21/2000**

**Closed 1/25/2001**

**Scott, Sandi L.**

---

**From:** Bauske, Shelly A.  
**Sent:** Monday, April 23, 2001 12:15 PM  
**To:** Scott, Sandi L.; Geiger, Gloria A.  
**Subject:** Money Received.....

Case No. PU-2448-00-627  
DSL.net, Inc.  
\$43.65

Case No. PU-2483-01-48  
Midcontinent Communications  
\$58.04

**12** **PU-2448-00-627** Pages: 0  
\$43.65 received  
by DSLnet Communications, LLC/Qwest Corporation  
04/25/2001 CC: Comm Legal Ilona Jerry.

**Scott, Sandi L.**

---

**From:** Bauske, Shelly A.  
**Sent:** Friday, March 09, 2001 10:04 AM  
**To:** Scott, Sandi L.  
**Subject:** Money Received

PU-2441-00-618  
Qwest  
\$43.65

PU-2442-00-619  
Qwest  
\$43.65

PU-2443-00-620  
Qwest  
\$43.65

PU-2445-00-624  
Qwest  
\$43.64

PU-2448-00-627  
Qwest  
\$43.64

PU-2447-00-628  
Qwest  
\$43.64

PU-2451-00-630  
Qwest  
\$43.64

PU-2422-00-563  
Qwest  
\$62.21

**11**    **PU-2448-00-627**    Pages: 0

\$43.64 received  
by Qwest Corporation  
03/12/2001

CC: Comm Legal Ilona Jerry .

PU-2421-00-562  
Qwest  
\$62.21

PU-2204-00-590  
Qwest  
\$45.87

PU-2446-00-629  
Qwest  
\$43.64

PU-2271-00-589  
Qwest  
\$45.87

PU-2420-00-560  
Qwest  
\$62.21

PU-2057-00-588  
Qwest  
\$45.87

PU-1755-00-580  
Qwest  
\$45.87

**APPROVED**

DATE: 2-21-01  
KME

MOTION

February 21, 2001

DSLnet Communications, LLC/Qwest Corporation  
Interconnection Agreement  
Application

Case No. PU-2448-00-627

I move the Commission bill DSLnet Communications, LLC and Qwest Corporation for costs incurred to date in Case No. PU-2448-00-627, DSLnet Communications, LLC/Qwest Corporation, Interconnection Agreement, Application.



**Public Service Commission**  
State of North Dakota

600 E Boulevard Ave. Dept. 408  
Bismarck, North Dakota 58505-0480  
e-mail: sab@oracle.psc.state.nd.us  
TDD 800-366-6888  
Fax 701-328-2410  
Phone 701-328-2400

COMMISSIONERS

Bruce Hagen  
President  
Susan E. Wefald  
Leo M. Reinbold

February 21, 2001

Executive Secretary  
Jon H. Mielke

John J Withington  
DSLnet  
545 Long Wharf Dr 5th Fl  
New Haven CT 06511

Dan Kuntz  
PO Box 1695  
Bismarck ND 58502-1695

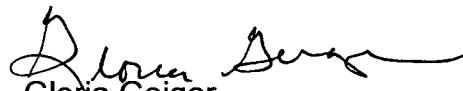
RE: Case No. PU-2448-00-627  
DSLnet Communications, LLC/Qwest Corporation  
Interconnection Agreement  
Application

Enclosed is a copy of the statement approved at the February 21, 2001 Public Service Commission meeting for the expenses incurred to date in Case No. PU-2448-00-627.

Under N.D.C.C. 49-21-01.7, these expenses are billed through the Valuation Fund and must be paid for by the telecommunications company involved.

Please make your check payable to the Public Service Commission.

Sincerely,

  
Glöria Geiger  
Administrative Assistant  
701-328-2401

Enc.

c: Scott Macintosh  
Qwest Corporation  
PO Box 5508  
Bismarck ND 58502-5508

Director - Interconnection Compliance  
Qwest Corporation  
1801 California St Rm 2410  
Denver CO 80202

## **Billing Statement**

**February 21, 2001**

DSLnet Communications, LLC/Qwest Corporation  
Interconnection Agreement  
Application

Case No. PU-2448-00-627

### **Expenses Incurred to Date:**

Advertising Costs	\$87.29
-------------------	---------

### **Amount Due:**

DSLnet Communications, LLC	\$43.65
Qwest Corporation	\$43.64

### **Send Payment To:**

Public Service Commission  
600 E Boulevard Ave Dept 408  
Bismarck ND 58505-0480

**Federal Tax ID 45-0309764**

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

DSLnet Communications, LLC/Qwest Corporation  
Interconnection Agreement  
Application

Case No. PU-2448-00-627

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND ORDINARY MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Sharon Helbling** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **25th day of January, 2001**, she deposited in the United States Mail, Bismarck, North Dakota, **three** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

**Order**

The envelopes were addressed as follows:

Dan Kuntz  
P O Box 1695  
Bismarck ND 58502-1695

**Cert. No. 7000 0520 0022 8654 0230**

John Munn  
Qwest Corporation  
1801 California St Rm 5100  
Denver CO 80202

**Cert. No. 7000 0520 0022 8654 0247**

John J Withington  
DSLnet  
545 Long Wharf Dr 5<sup>th</sup> Fl  
New Haven CT 06511  
**Cert. No. 7000 0520 0022 8654 0285**

**Sharon Helbling** further deposes and says that on the **25th day of January, 2001**, she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

Scott Macintosh  
Qwest Corporation  
P O Box 5508  
Bismarck ND 58502-5508

Dir-Interconnection Compliance  
Qwest Corporation  
1801 California St Rm 2410  
Denver CO 80202

Each address shown is the respective addressee's last reasonably ascertainable post office address.

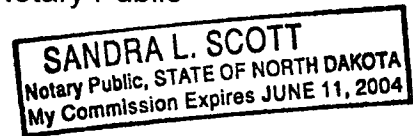
Subscribed and sworn to before me  
this **25th day of January, 2001**.





Notary Public

SEAL



**PU-2448-00-627**

Copies To:

State Library (8 copies)

Historical Society

Associated Press

**APPROVED**

**MOTION**

DATE: 1-24-01  
KMF

**January 24, 2001**

**DSLnet Communications, LLC/Qwest Corporation  
Interconnection Agreement  
Application**

**Case No. PU-2448-00-627**

I move the Commission adopt the Order Approving Interconnection Agreement in the application of Qwest Corporation for approval of an agreement negotiated with DSLnet Communications, LLC to opt into a previously approved interconnection agreement with New Edge Networks, Inc., Case No. PU-2448-00-627.

JRL/sdh

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**DSLnet Communications, LLC/Qwest Corporation  
Interconnection Agreement  
Application**

**Case No. PU-2448-00-627**

**ORDER APPROVING INTERCONNECTION AGREEMENT**

**January 24, 2001**

On November 21, 2000, Qwest filed an application for approval of an agreement negotiated with DSLnet Communications, LLC to "opt in" to a previously approved interconnection agreement with New Edge Networks, Inc. This previously approved agreement sets rates, terms and conditions for interconnection of facilities, including access to unbundled network elements and services for resale.

This agreement was filed under Section 252(e) of the Telecommunications Act of 1996 (Act). The Act requires that any agreement adopted by negotiation or arbitration be submitted for approval to the Commission. Under section 252(e)(2)(A), the Commission may only reject an agreement (or portion thereof) adopted by negotiation if it finds that:

1. the agreement (or portion thereof) discriminates against a telecommunications carrier that was not a party to the agreement;
2. the implementation of the agreement (or portion thereof) is not consistent with the public interest, convenience, and necessity.

In addition, the Commission may include in its review state requirements that do not constitute barriers to entry under section 253. Section 252(e)(4) requires that the Commission must act to approve or reject an agreement adopted by negotiation within ninety (90) days after submission by the parties.

On November 22, 2000, the Commission issued a Notice of Opportunity to File Written Comments, which provided that the Commission would receive written comments on the agreement until December 26, 2000. No comments have been received.


The Commission has reviewed the agreement and finds that it has not been shown to discriminate against a telecommunications carrier that was not a party to the agreement. The Commission further finds that implementation of the agreement has not been shown to be inconsistent with the public interest, convenience and necessity.

## Order


The Commission orders:

1. The agreement to opt into the an existing interconnection agreement, as negotiated between Qwest Corporation and DSLnet Communications, LLC and filed with the Commission on November 21, 2000, is APPROVED.
2. The Commission retains continuing jurisdiction over the agreement at all times.
3. Notice of any changes to the agreement must be filed promptly with the Commission.
4. The agreement must not be assigned, assumed or otherwise transferred without the approval of the Commission.
5. Each party to the agreement shall respond reasonably and in good faith to the other party's requests to implement the agreement.

### PUBLIC SERVICE COMMISSION



**Anthony T. Clark**  
Commissioner



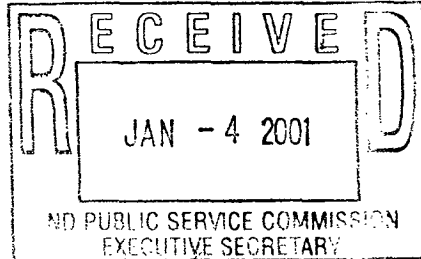
**Susan E. Wefald**  
President



**Leo M. Reinbold**  
Commissioner

# Affidavit of Publication

State of North Dakota )  
 )  
County of Burleigh )



Laurie Thiel, being duly sworn, state as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of:  
AT & T - Pilgrim, 1 time(s)  
as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

Signed: Laurie Thiel

Subscribed and sworn to before me this 19th day of December A.D. 2000

Laurie Schaffer

- 6 **PU-2441-00-618** Pages: 11  
Affidavit of Publication
- 6 **PU-2442-00-619** Pages: 11  
Affidavit of Publication
- 6 **PU-2443-00-620** Pages: 11  
Affidavit of Publication
- 6 **PU-2445-00-624** Pages: 11  
Affidavit of Publication  
by North Dakota Advertising Service, Inc.  
01/04/2001 CC: Comm Legal Ilona Jerry .

- 6 **PU-2448-00-627** Pages: 11  
Affidavit of Publication
- 6 **PU-2447-00-628** Pages: 11  
Affidavit of Publication
- 6 **PU-2446-00-629** Pages: 11  
Affidavit of Publication  
by North Dakota Advertising Service, Inc.  
01/04/2001 CC: Comm Legal Ilona Jerry .
- 7 **PU-2451-00-630** Pages: 11  
Affidavit of Publication  
by North Dakota Advertising Service, Inc.  
01/04/2001 CC: Comm Legal Ilona Jerry .

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

<b>AT&amp;T Communications of the Midwest, Inc./Qwest Interconnection Agreement Amendment Application</b>	<b>Case No. PU-2441-00-618</b>
<b>New Edge Network, Inc./Qwest Corporation Interconnection Agreement Amendments Application</b>	<b>Case No. PU-2442-00-619</b>
<b>NewPath Holdings, Inc./Qwest Corporation Interconnection Agreement Amendment Application</b>	<b>Case No. PU-2443-00-620</b>
<b>New Acess Communications, LLC/Qwest Interconnection Agreement Application</b>	<b>Case No. PU-2445-00-624</b>
<b>DSLnet Communications, LLC/Qwest Corporation Interconnection Agreement Application</b>	<b>Case No. PU-2448-00-627</b>
<b>Maxcess, Inc./Qwest Corporation Interconnection Agreement Application</b>	<b>Case No. PU-2447-00-628</b>
<b>Choctaw Communications, Inc./Qwest Corporation Interconnection Agreement Application</b>	<b>Case No. PU-2446-00-629</b>
<b>Pilgrim Telephone, Inc./Qwest Corporation Interconnection Agreement Application</b>	<b>Case No. PU-2451-00-630</b>

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND ORDINARY MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Sharon Helbling** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **7th day of December, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, **ten**

**5**

**PU-2448-00-627**

Pages: 17

Affidavits of Service

by Public Service Commission

12/07/2000

CC: Comm Legal Illona Jerry

envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

**Notice of Opportunity to File Written Comments**

The envelopes were addressed as follows:

Dan Kuntz  
P O Box 1695  
Bismarck ND 58502-1695

**Cert. No. 7099 3400 0014 4513 6323**

Steven C Clay President  
New Access Communications Inc  
310 4<sup>th</sup> Ave Ste 900  
Minneapolis MN 55415  
**Cert. No. 7099 3400 0014 4513 6309**

Dan Webb  
Maxcess Inc  
100 W Lucerne Circle Ste 500  
Orlando FL 32801  
**Cert. No. 7099 3400 0014 4513 6286**

Stan Kugell  
Pilgrim Telephone Inc  
1 Kendall Square  
Cambridge MA 02139  
**Cert. No. 7099 3400 0014 4513 6262**

Rob McMillin  
New Edge Network Inc  
3000 Columbia House Blvd  
Vancouver WA 50322  
**Cert. No. 7000 0520 0022 8653 2853**

John Munn  
Qwest Corporation  
1801 California St Rm 5100  
Denver CO 80202  
**Cert. No. 7099 3400 0014 4513 6316**

John J Withington  
DSLnet  
545 Long Wharf Dr 5<sup>th</sup> Fl  
New Haven CT 06511  
**Cert. No. 7099 3400 0014 4513 6293**

Seth Block  
Choctaw Communications Inc  
8700 S Gessner Rd  
Houston TX 77074  
**Cert. No. 7099 3400 0014 4513 6279**

Christine Schwartz  
AT&T  
1875 Lawrence St Rm 10-74  
Denver CO 80202  
**Cert. No. 7000 0520 0022 8653 2846**

Mick Herke  
NewPath Holdings Inc  
4364 Northwest 114<sup>th</sup> St  
Des Moines IA 50322  
**Cert. No. 7000 0520 0022 8653 2860**

**Sharon Helbling** further deposes and says that on the **7th day of December, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, **four** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

Scott Macintosh  
Qwest Corporation  
P O Box 5508  
Bismarck ND 58502-5508

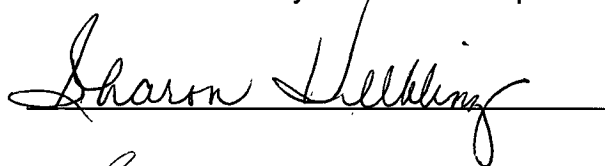
Dir-Interconnection Compliance  
Qwest Corporation  
1801 California St Rm 2410  
Denver CO 80202

Walter E Steimel Jr Esq  
Greenberg Traurig LLP  
800 Connecticut Ave NW Ste 500  
Washington D C 20006

Doris Franklin  
Maxcess Inc  
315 S Calhoun Ste 314  
Tallahassee FL 32301

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **7th day of December, 2000.**



  
Notary Public

SEAL



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

**AT&T Communications of the Midwest, Inc./Qwest  
Interconnection Agreement Amendment  
Application** **Case No. PU-2441-00-618**

**New Edge Network, Inc./Qwest Corporation  
Interconnection Agreement Amendments  
Application** **Case No. PU-2442-00-619**

**NewPath Holdings, Inc./Qwest Corporation  
Interconnection Agreement Amendment  
Application** **Case No. PU-2443-00-620**

**New Acess Communications, LLC/Qwest  
Interconnection Agreement  
Application** **Case No. PU-2445-00-624**

**DSLnet Communications, LLC/Qwest Corporation  
Interconnection Agreement  
Application** **Case No. PU-2448-00-627**

**Maxcess, Inc./Qwest Corporation  
Interconnection Agreement  
Application** **Case No. PU-2447-00-628**

**Choctaw Communications, Inc./Qwest Corporation  
Interconnection Agreement  
Application** **Case No. PU-2446-00-629**

**Pilgrim Telephone, Inc./Qwest Corporation  
Interconnection Agreement  
Application** **Case No. PU-2451-00-630**

**AFFIDAVIT OF SERVICE BY ORDINARY MAIL OR E-MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Sharon Helbling** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **7th day of December, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, envelopes by first class mail, fully prepaid, securely sealed, each containing a photocopy of:

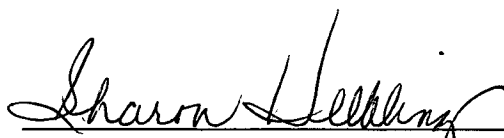
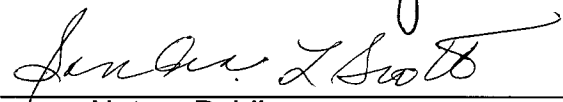
**Notice of Opportunity to File Written Comments**

The envelopes were addressed as follows:

**See Attached List**

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **7th day of December, 2000**.

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Notary Public

SEAL

**SANDRA L. SCOTT**  
Notary Public, STATE OF NORTH DAKOTA  
My Commission Expires JUNE 11, 2004

wahlgren@rus.usda.gov  
Wayne Ahlgren

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Barb Berkenpas

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William Brudvik

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Don Lee

jxpet23.uswest.com  
Janis Peterson

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Lise Strom

harumiyamamoto@dwt.com  
Harumi Yamamoto

ruth.holder@teligent.com  
Ruth Holder

nlarsen@nvc.net  
Clint Hanson  
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235 E 1st Ave  
Groton SD 57445

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Jerry Chapman  
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Steele ND 58482-0230

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Glenn Richards  
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Cooperstown ND 58425

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Patti Schaner  
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Park River ND 58270-0270

ddunning@polarcomm.com  
David Dunning  
Polar Telecommunications Inc  
PO Box T  
Park River ND 58270

jvonduyke@phoneforall.com  
Jeff Walker  
Preferred Carrier Services Inc  
14681 Midway Rd Ste 105  
Dallas TX 75244

pam@tnics.com  
Pamela Harrington  
RC Communications Inc  
PO Box 197  
New Effington SD 57255-0197

ardondoran@rrt.net  
Ardon Doran  
Red River Telecom Inc  
PO Box 136  
Abercrombie ND 58001-0136

mbrestel@ndak.net  
Marcia Burckhard  
Reservation Telephone Cooperative  
Parshall ND 58770

warrenlh@srttel.com  
Warren Hight  
Souris River Tele Coop  
PO Box 2027  
Minot ND 58702-2027

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Steve Lysne  
SRT Communications Inc  
P O Box 789  
Minot ND 58702-0789

janehp@srttel.com  
Jane Petersen  
SRT Communications Inc  
P O Box 789  
Minot ND 58702-0789

kimrw@srttel.com  
Kim Weydahl  
SRT Communications Inc  
P O Box 789  
Minot ND 58702-0789

protel@citil.com  
Scott Lee  
Protel Advantage Inc  
1144 Larpenteur Ave W  
St Paul MN 55113-6317

ardondoran@rrt.net  
Ardon Doran  
Red River Rural Tele Assoc  
PO Box 136  
Abercrombie ND 58001

jdbtbb@ndak.net  
Jan Boschee  
Reservation Telephone Cooperative  
Parshall ND 58770

pam@tnics.com  
Pamela Harrington  
Roberts Cty Tele Coop Assoc  
New Effington SD 57255

suelh@srttel.com  
Sue Hamilton  
SRT Communications Inc  
P O Box 789  
Minot ND 58702-0789

christm@srttel.com  
Chris Morsefield  
SRT Communications Inc  
P O Box 789  
Minot ND 58702-0789

johnar@srttel.com  
John Reiser  
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St Louis Park MN 55426

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Ellendale ND 58436-0069

DSLnet Communications LLC  
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Richfield OH 44286

Excel Communications Inc  
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MVX Communications LLC  
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MCImetro Access Transmission Services  
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Southfield MI 48034

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Pamcomm  
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Primus Telecommunications Inc  
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McLean VA 22102

Quintelco Inc  
1 Blue Hill Plaza  
Pearl River NY 10965

Dean Polkow  
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PO Box 2000  
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Reservation Telephone Cooperative  
Parshall ND 58770

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Target Telecom Inc  
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Jack Medaris  
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Blue Bell PA 19422

Tele-Tech Inc  
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Dennis Houston  
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PO Box 467  
Hazen ND 58545-0467

Western CLEC Corporation  
3650 131st Ave SE #400  
Bellevue WA 98006

Z-Tel Communications Inc  
601 S Harbour Island Blvd Ste 220  
Tampa FL 33602-5925

**PU-2448-00-627**

Copies To:

State Library (8 copies)

Historical Society

Associated Press

**Helbling, Sharon D.**

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**From:** Helbling, Sharon D.  
**Sent:** Thursday, December 07, 2000 11:04 AM  
**To:** ndna (E-mail)  
**Subject:** Notice of Opportunity to File Written Comments

Please have the attached Notice of Opportunity to File Written Comments published as a legal publication in the next issue of the ten North Dakota daily newspapers, and run it as a "News Item Only" article as well.

Send the bill directly to the Public Service Commission along with a tear sheet for billing purposes.

If you have any questions, please call me at 328-4076.

Thank you.

Sharon Helbling  
Public Utilities Division

12/7/2000

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**PU-2448-00-627**

Pages: 1

Notice e-mailed to NDNA requesting  
publication  
by Public Service Commission

12/07/2000

CC: Comm Legal Ilona Jerry

**MOTION**

DATE: 12-6-00  
KMF

**December 6, 2000**

**AT&T Communications of the Midwest, Inc./Qwest  
Interconnection Agreement Amendment  
Application** Case No. PU-2441-00-618

**New Edge Network, Inc./Qwest Corporation  
Interconnection Agreement Amendments  
Application** Case No. PU-2442-00-619

**NewPath Holdings, Inc./Qwest Corporation  
Interconnection Agreement Amendment  
Application** Case No. PU-2443-00-620

**New Acess Communications, LLC/Qwest  
Interconnection Agreement  
Application** Case No. PU-2445-00-624

**DSLnet Communications, LLC/Qwest Corporation  
Interconnection Agreement  
Application** Case No. PU-2448-00-627

**Maxcess, Inc./Qwest Corporation  
Interconnection Agreement  
Application** Case No. PU-2447-00-628

**Choctaw Communications, Inc./Qwest Corporation  
Interconnection Agreement  
Application** Case No. PU-2446-00-629

**Pilgrim Telephone, Inc./Qwest Corporation  
Interconnection Agreement  
Application** Case No. PU-2451-00-630

I move the Commission issue a Notice of Opportunity to File Written Comments in the applications by Qwest Corporation for approval of interconnection agreements and amendments in the above captioned cases.

JRL/sdh

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PU-2448-00-627  
Pages: 1  
Motion  
by Public Service Commission  
12/06/2000  
CC: Comm Legal Ilona Jerry .

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**AT&T Communications of the Midwest, Inc./Qwest  
Interconnection Agreement Amendment  
Application** **Case No. PU-2441-00-618**

**New Edge Network, Inc./Qwest Corporation  
Interconnection Agreement Amendments  
Application** **Case No. PU-2442-00-619**

**NewPath Holdings, Inc./Qwest Corporation  
Interconnection Agreement Amendment  
Application** **Case No. PU-2443-00-620**

**New Acess Communications, LLC/Qwest  
Interconnection Agreement  
Application** **Case No. PU-2445-00-624**

**DSLnet Communications, LLC/Qwest Corporation  
Interconnection Agreement  
Application** **Case No. PU-2448-00-627**

**Maxcess, Inc./Qwest Corporation  
Interconnection Agreement  
Application** **Case No. PU-2447-00-628**

**Choctaw Communications, Inc./Qwest Corporation  
Interconnection Agreement  
Application** **Case No. PU-2446-00-629**

**Pilgrim Telephone, Inc./Qwest Corporation  
Interconnection Agreement  
Application** **Case No. PU-2451-00-630**

**NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS**

**December 6, 2000**

On November 16, 2000 Qwest Corporation Communications, Inc. (Qwest) filed applications for approval of a second amendment negotiated to its interconnection agreement with AT&T Communications of the Midwest, Inc. of Minneapolis, MN (Case No. PU-2441-00-618), a third amendment negotiated to its interconnection agreement with New Edge Netowrks of VanCouver, WA (Case No. PU-2442-00-619), and a first amendment negotiated to its interconnection agreement with NewPath Holdings, Inc. of Des Moines IA (Case No. PU-2443-00-620). These amendments set forth rates, terms

**2**

**PU-2448-00-627**

Pages: 2

Notice of Opportunity

by Public Service Commission

12/06/2000

CC: Comm Legal Illona Jerry .

or conditions for interconnection of facilities, including unbundled network elements, collocation augments, operational support systems, or local number portability.

On November 21, 2000, Qwest filed applications for approval of service resale agreements negotiated with New Access Communications, LLC of Minneapolis, MN (Case No. PU-2445-00-624) and Choctaw Communications Inc. d/b/a Smoke Signal Communications of Houston TX (Case No. PU-2446-00-629). These agreements set rates, terms and conditions under which Qwest agrees to provide services for resale.

Also on November 21, 2000, Qwest filed applications for approval of DSLnet Communications, LLC to "opt in" to a previously approved interconnection agreement with New Edge Networks, Inc. (Case No. PU-2448-00-627) and for approval of MAXCESS, Inc. of Orlando, FL to "opt in" to a previously approved interconnection agreement with Pathnet, Inc. (Case No. PU-2447-00-628), and for approval of an interconnection agreement negotiated with Pilgrim Telephone, Inc. of Cambridge MA (Case No. PU-2451-00-630), which Qwest states is the same as a previously approved interconnection agreement with New Edge Networks, Inc.

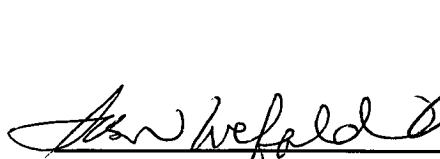
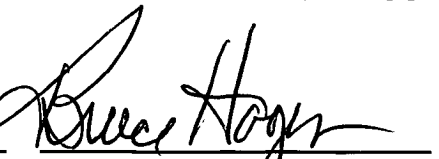

These agreements were filed under Section 252(e) of the Telecommunications Act of 1996 (Act). The Act requires that any agreement adopted by negotiation or arbitration be submitted for approval to the Commission. Under section 252(e)(2)(A), the Commission may only reject an agreement (or portion thereof) adopted by negotiation if it finds that:

1. the agreement (or portion thereof) discriminates against a telecommunications carrier that was not a party to the agreement;
2. the implementation of the agreement (or portion thereof) is not consistent with the public interest, convenience, and necessity.

In addition, the Commission may include in its review state requirements that do not constitute barriers to entry under section 253. Section 252(e)(4) requires that the Commission must act to approve or reject an agreement adopted by negotiation within ninety (90) days after submission by the parties.

**The Commission will receive written comments on these agreements until January 8, 2001.** For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify Jon Mielke, Executive Secretary.

**PUBLIC SERVICE COMMISSION**

 _____ <b>Susan E. Wefald</b> Commissioner	 _____ <b>Bruce Hagen</b> President	 _____ <b>Leo M. Reinbold</b> Commissioner
--	--	--

ZUGER KIRMIS & SMITH

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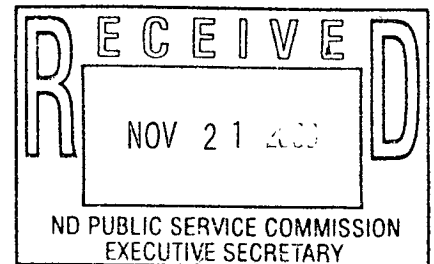
Of Counsel  
John A. Zuger

Also licensed in  
Minnesota \*  
Montana/Illinois \*\*

^Certified Civil Trial Specialist  
National Board of Trial Advocacy

November 21, 2000

Mr. Jon Mielke  
Executive Secretary  
ND Public Service Commission  
State Capitol -- 12<sup>th</sup> Floor  
Bismarck, ND 58505-0480



**Re: Resale Agreement Between Qwest Corporation and DSLnet Communications, LLC**

Dear Mr. Mielke:

Enclosed for filing are the original and seven copies of a Resale Agreement between DSLnet Communications, LLC and Qwest Corporation f/k/a U S WEST Communications, Inc. The Resale Agreement adopts the terms of the Interconnection Agreement and any associated amendments between New Edge Networks, Inc. and Qwest Corporation approved by the Commission on January 26, 2000 in docket No. PU-2204-99-634. Also enclosed is an extra copy of this letter. Please date stamp the extra copy and return it to me in the enclosed postage-paid envelope.

Please contact me if you have any questions regarding this filing.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel S. Kuntz".

Daniel S. Kuntz

Enclosures

c: Scott Macintosh w/enc.  
Debra Hartl wo/enc.  
John J. Withington wo/enc.

1 PU-2448-00-627

Pages: 4

Interconnection agreement application

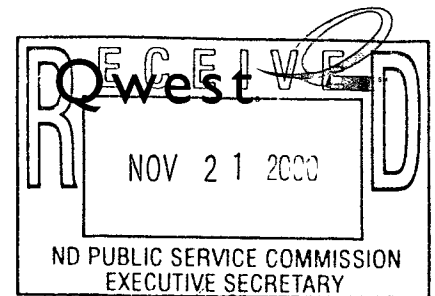
by DSLnet Communications, LLC/Qwest Corporation

11/21/2000

CC: Comm Legal Ilona Jerry

August 24, 2000

DSLnet Communications LLC  
545 Long Wharf Drive  
5<sup>th</sup> Floor  
New Haven, CT 06511



Dear Mr. Withington:

We have received your request that, under Section 252(i) of the Telecommunications Act of 1996, DSLnet Communications LLC ("CLEC") wishes to "Pick and Choose" in its entirety, the terms of the Interconnection Agreement and any associated amendments, if applicable, ("Agreement") between New Edge Networks Inc. and Qwest Corporation fka U S WEST Communications, Inc. ("Qwest") that was approved by the Commission as an effective agreement in the State of North Dakota. We understand you have a copy of the Agreement.

With respect to the aforementioned Agreement, Qwest and CLEC (" the Parties") understand and agree:

1. The Parties shall request the Commission to expedite its review and approval of this Agreement. This Agreement shall become effective upon such approval.
2. Notwithstanding the mutual commitments set forth herein, the Parties are entering into this Agreement without prejudice to any positions they have taken previously, or may take in the future, in any legislative, regulatory, or other public forum addressing any matters, including those relating to the types of arrangements contained in this Agreement. During the proceeding in which the Commission is to review and approve the Agreement, Qwest may point out that it has objected, and continues to object, to the inclusion of the terms and conditions to which it objected in the proceedings involving the approval of the Underlying Agreement.
3. This Agreement contains provisions based upon the decisions and orders of the FCC and the Commission under and with respect to the Act. Currently, court and regulatory proceedings affecting the subject matter of this Agreement are in various stages, including the proceedings where certain of the rules and regulations of the FCC are being challenged. In addition, there is uncertainty in the aftermath of the Supreme Court's decision in AT&T Corp, et al. v. Iowa Utilities Board. Based on that uncertainty, and the regulatory and judicial proceedings which will occur as a result of that decision, the Parties acknowledge that this Agreement may need to be changed to reflect any changes in law. The Agreement has not been corrected to reflect the requirements, claims or outcomes of any of the proceedings. Accordingly, when a final, decision or decisions are made in the proceedings that automatically change and modify the Underlying Agreement, then like changes and modifications will similarly be made to this Agreement. In addition, to the extent rules or laws are based on regulatory or judicial proceedings as a result of the recent Supreme Court decision, this Agreement will be amended to incorporate such changes. In the event of a Commission ruling in a generic cost docket that results in changes to the rates contained in this Agreement, the Agreement shall be automatically modified to reflect such change in rates.
4. Subsequent to the execution of this Agreement, the FCC or the Commission may issue decisions or orders that change or modify the rules and regulations governing implementing of the Act. If such changes or modifications alter the state of the law upon which the Underlying Agreement was negotiated and agreed, and it reasonably appears that the parties to the Underlying Agreement would have negotiated and agreed to different term(s) condition(s) or covenant(s) than as contained in the Underlying Agreement

had such change or modification been in existence before execution of the Underlying Agreement, then this Agreement shall be amended to reflect such different terms(s), condition(s), or covenant(s). Where the Parties fail to agree upon such an amendment, it shall be resolved in accordance with the Dispute Resolution provision of the Underlying Agreement which is being adopted pursuant to Section 252(i).

5. This Agreement shall continue in force and effect through the term of the Underlying Agreement. Thereafter, this Agreement can be terminated by either Party on thirty (30) days written notice, if another Interconnection Agreement will not replace the current Agreement. If there is a replacement Interconnection Agreement, one Party can notify the other Party that it is requesting Section 251/252 negotiations under the Federal Telecommunications Act of 1996 ("Act"). That notification will trigger the timeframes and procedures contained in Section 252 of the Act, or pursuant to the timeframes set forth by the appropriate state commission. In the event of such notice, the arrangements between our companies shall continue and be governed by the terms of the expired agreement until the new agreement is approved by the appropriate state commission.

6. This Agreement shall be interpreted in accordance with GTE Service Corp. v. Federal Communications Commission, No. 99-1176 (D.C. Cir. March 17, 2000). The Parties shall not be bound by any language in the Underlying Agreement, or any prior interpretation or performance under such language, that are inconsistent with the Court's decision in GTE Service Corp v. Federal Communications Commission. The Parties also recognize that certain provisions of the terms and conditions may be void or unenforceable as a result of the July 18, 1997 and October 14, 1997, decisions of the United States Eighth Circuit Court of Appeals. Additionally, this Agreement shall be interpreted in accordance with all other relevant judicial or regulatory decisions.

7. The Parties agree that Qwest's position has been, and continues to be, that Interconnection Agreements entered into pursuant to Sections 251 and 252 of the Act, including the reciprocal compensation provisions of those Agreements, apply only to local traffic. Local traffic is that traffic that originates and terminates in the same local calling area. Each company bears the burden of proof that the traffic being exchanged is in fact local in nature.

8. CLEC adopts the terms and conditions of the New Edge Networks Inc. Agreement for interconnection with Qwest and in applying the terms and conditions, agrees that DSLnet Communications LLC be substituted in place of " New Edge Networks Inc." throughout the Agreement wherever the latter appears.

9. Qwest requests that notice to Qwest Corporation as may be required under the Agreement shall be provided as follows:

To: Qwest Corporation  
Director Interconnection Compliance  
1801 California Street, Room 2410  
Denver, CO 80202

With copy to:  
Qwest Corporation Law Department  
Attention: General Counsel, Interconnection  
1801 California Street, 51st Floor  
Denver, CO 80202

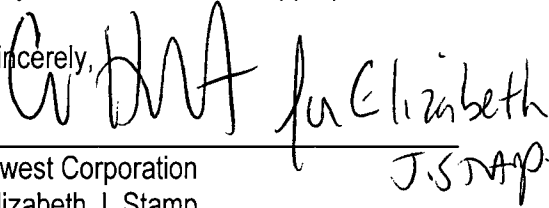
CLEC requests that notice to CLEC as may be required under the Agreement shall be provided as follows:

To: John J. Withington  
DSL.net  
545 Long Wharf Drive  
5<sup>th</sup> Floor  
New Haven, CT 06511  
Phone: 203-782-7437  
Fax: 203-624-3612

10. CLEC represents and warrants that it is a certified provider of local dialtone service in the State of North Dakota, and that this Agreement will cover services in that state only.

Please sign all three original copies of this letter; retain one copy, and overnight two copies to Debi Hartl at 7800 East Orchard Road, Suite 250, Englewood, CO 80111 by October 24, 2000. After October 24, 2000, Qwest may rescind its willingness to consider the Agreement's terms and conditions, and will consider that you have withdrawn from good faith negotiations.

Please note that Qwest will file this letter with the appropriate state commission for approval; however, some state commissions will not approve the letter until the CLEC is certified by the state commission. You may want to contact the appropriate state commission to determine the requisite filing guidelines.

Sincerely,  
 Elizabeth  
J. Stamp

Qwest Corporation  
Elizabeth J. Stamp  
Director - Interconnect  
1801 California, Room 2410  
Denver, CO 80202  
303-965-6044

I agree to all terms and conditions contained in this letter as indicated by my signature below:

DSLnet Communications LLC

CLEC Name

Wendy Bluemling

Name

Wendy Bluemling  
Signature

A.V.P. Regulatory Affairs

Title

8/29/00  
Date

PD-2448-00-627

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John J. Withington  
 D&Knet  
 545 Long Wharf Dr 5th Fl  
 New Haven Ct 06511

2. Article Number (Copy from service label)

7000 0520 0022 8654 0285

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

B. Date of Delivery

1-31-01

C. Signature

X *Nancy Keenan*

Agent

Addressee

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

Certified Mail  Express Mail

Registered  Return Receipt for Merchandise

Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

PD-2448-00-627

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John J. Withington  
 D&Knet  
 545 Long Wharf Dr 5th Fl  
 New Haven Ct 06511

2. Article Number (Copy from service label)

7099 3400 0014 4513 6293

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

B. Date of Delivery

12-11-00

C. Signature

X *Nancy Keenan*

Agent

Addressee

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

Certified Mail  Express Mail

Registered  Return Receipt for Merchandise

Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes