



DIVIDER

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

PU-2447-00-628

Maxcess, Inc./Qwest Corporation
Interconnection Agreement

Application

Filed 11/21/2000

Closed 1/25/2001

00

Scott, Sandi L.

From: Bauske, Shelly A.
Sent: Wednesday, May 30, 2001 10:47 AM
To: Geiger, Gloria A.; Scott, Sandi L.
Subject: Money Received.....

Case No. PU-2447-00-628
Maxcess Inc
\$43.64

12 **PU-2447-00-628** Pages: 0

\$43.64 received

by Maxcess, Inc./Qwest Corporation

05/30/2001

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-2447-00-628** 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

Maxcess, Inc./Qwest Corporation
Interconnection Agreement
Application

Case No. PU-2447-00-628

I move the Commission bill Maxcess, Inc. and Qwest Corporation for costs incurred to date in Case No. PU-2447-00-628, Maxcess, Inc./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

Dan Webb
Maxcess Inc
100 W Lucerne Circle Ste 500
Orlando FL 32801

Dan Kuntz
PO Box 1695
Bismarck ND 58502-1695

RE: Case No. PU-2447-00-628
Maxcess, Inc./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-2447-00-628.

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,

Gloria 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

Maxcess, Inc./Qwest Corporation
Interconnection Agreement
Application

Case No. PU-2447-00-628

Expenses Incurred to Date:

Advertising Costs	\$87.29
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Amount Due:

Maxcess, Inc.	\$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

Maxcess, Inc./Qwest Corporation
Interconnection Agreement
Application

Case No. PU-2447-00-628

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

Dan Webb
Maxcess Inc
100 W Lucerne Circle Ste 500
Orlando FL 32801
Cert. No. 7000 0520 0022 8654 0308

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

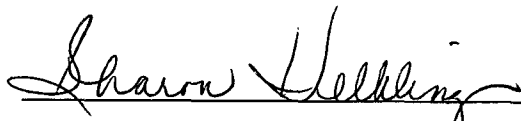
Scott Macintosh
Qwest Corporation
P O Box 5508
Bismarck ND 58502-5508

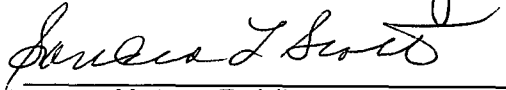
Dir-Interconnection Compliance
Qwest Corporation
1801 California St Rm 2410
Denver CO 80202

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.

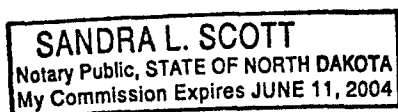
Subscribed and sworn to before me
this **25th day of January, 2001**.





Notary Public

SEAL



PU-2447-00-628

Copies To:

State Library (8 copies)

Historical Society

Associated Press

APPROVED

DATE: 1-24-01
KMF

MOTION

January 24, 2001

**Maxcess, Inc./Qwest Corporation
Interconnection Agreement
Application**

Case No. PU-2447-00-628

I move the Commission adopt the Order Approving Interconnection Agreement in the application of Qwest Corporation for approval of an agreement negotiated with Maxcess, Inc. to opt into a previously approved interconnection agreement with Pathnet, Inc., Case No. PU-2447-00-628.

JRL/sdh

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Maxcess, Inc./Qwest Corporation
Interconnection Agreement
Application**

Case No. PU-2447-00-628

ORDER APPROVING INTERCONNECTION AGREEMENT

January 24, 2001

On November 21, 2000, Qwest filed an application for approval of an agreement negotiated with Maxcess, Inc. to "opt in" to a previously approved interconnection agreement with Pathnet, 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.

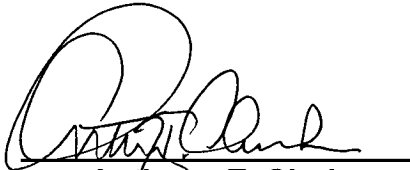
The Commission has reviewed the agreement and finds that it has not been shown to discriminate against a telecommunications carrier that was not a party to the agreement. The Commission further finds that implementation of the agreement has not been shown to be inconsistent with the public interest,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

Order

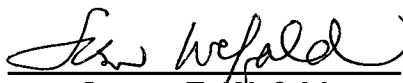
The Commission orders:

1. The agreement to opt into the an existing interconnection agreement, as negotiated between Qwest Corporation and Maxcess, Inc. 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



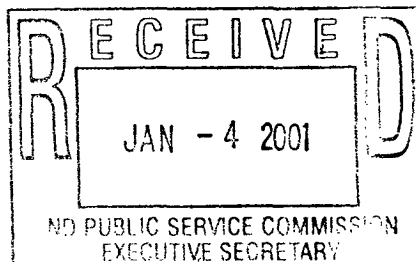
Susan E. Wefald
President



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 | 6 | PU-2448-00-627 | Pages: 11 |
| | Affidavit of Publication | | | Affidavit of Publication | |
| 6 | PU-2442-00-619 | Pages: 11 | 6 | ✓ PU-2447-00-628 | Pages: 11 |
| | Affidavit of Publication | | | Affidavit of Publication | |
| 6 | PU-2443-00-620 | Pages: 11 | 6 | PU-2446-00-629 | Pages: 11 |
| | Affidavit of Publication | | | Affidavit of Publication | |
| 6 | PU-2445-00-624 | Pages: 11 | 7 | PU-2451-00-630 | Pages: 11 |
| | Affidavit of Publication | | | Affidavit of Publication | |
| | by North Dakota Advertising Service, Inc. | | | by North Dakota Advertising Service, Inc. | |
| 01/04/2001 | CC: Comm Legal Ilona Jerry | | 01/04/2001 | 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

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-2447-00-628

Pages: 17

Affidavits of Service

by Public Service Commission

12/07/2000

CC: Comm Legal Ilona 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 4th 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 5th 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 114th 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

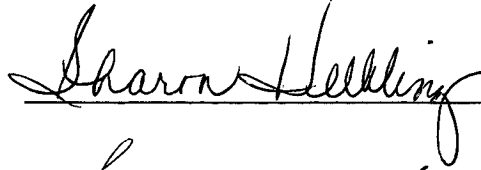
Dir-Interconnection Compliance
Qwest Corporation
1801 California St Rm 2410
Denver CO 80202

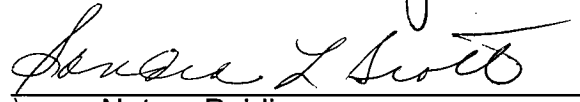
Walter E Steimel Jr Esq
Greenberg Traurig LLP
800 Connecticut Ave NW Ste 500
Washington D C 20006

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:

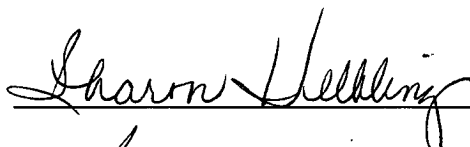
Notice of Opportunity to File Written Comments

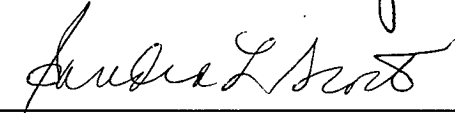
The envelopes were addressed as follows:

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

bberkenpas@mc_dusa.com
Barb Berkenpas

wbrudvik@ohnstadlaw.com
William Brudvik

donlee@martin-associates.com
Don Lee

jxpet23.uswest.com
Janis Peterson

lisestrom@dwt.com
Lise Strom

harumiyamamoto@dwt.com
Harumi Yamamoto

ruth.holder@teligent.com
Ruth Holder

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

jlchapman@acomminc.com
Jerry Chapman
Acomm Inc
510 1st Ave N Ste 203
Minneapolis MN 55403-0343

smassey@bepc.com
Sheryl Massey
Basin Electric Power Coop
1717 E Interstate Ave
Bismarck ND 58501-0564

jtmgr@bektel.com
Jerome Tishmack
BEK Communications Cooperative
PO Box 230
Steele ND 58482-0230

jtmgr@bektel.com
Jerome Tishmack
BEK Communications I Inc
PO Box 230
Steele ND 58482-0230

ken@staff.ctctel.com
L Dan Wilhelmson
Consolidated Comm Networks Inc
PO Box 1077
Dickinson ND 58601-1077

ken@staff.ctctel.com
L Dan Wilhelmson
Consolidated Telcom Inc
PO Box 1077
Dickinson ND 58601-1077

ken@staff.ctctel.com
L Dan Wilhelmson
Consolidated Telephone Cooperative
PO Box 1077
Dickinson ND 58601-1077

drtc@drtel.net
Darren Moser
Dickey Rural Telephone Cooperative
PO Box 69
Ellendale ND 58436-0069

glenn.richards@shawpittman.com
Glenn Richards
Glenn Richards
ShawPittman
2300 N St NW

rlaqua@rrv.net
Ronald Laqua
Halstad Telephone Company
PO Box 55
Halstad MN 56548-0055

dclark@hq.idt.net
Diane Clark
IDT America, Corp.
520 Broad St 7th Fl
Newark NJ 07102

kander@ictc.com
Keith Anderson
Inter-Community Telephone Co. II
PO Box 8
Nome ND 58062-0008

nschmid@acginc.net
Neil Schmid
Ionex Communications North Inc
5710 LBJ Frwy Ste 215
Dallas TX 75240

Michel.Murray@MCI.com
Michel Murray
MCI WorldCom Inc
707 17th St Ste 3600
Denver CO 80202

john_sullivan@cable.comcast.com
John Sullivan
McLeodUSA

meredith.giff @gecapital.com
Meredith Gifford
GE Capital Comm Services Corp
6540 Powers Ferry Rd
Atlanta GA 30339

cooperstown@mlgc.com
Ray Brown
Griggs County Telephone Company
Cooperstown ND 58425

hold@texas.net
Dana Wilson
Home Owners Long Distance Inc
8647 Wurzbach Rd #M-1
San Antonio TX 78240-1245

kander@ictc.com
Keith Anderson
Inter-Community Telephone Co
PO Box 8
Nome ND 58062-0008

itci@means.net
Bruce Reuber
Interstate Telcom Consulting Inc
130 Birch Ave W
Hector MN 55342-0668

skat@means.net
Steven Katka
Loretel Systems Inc
13 E 4th Ave
Ada MN 56510

skillebrew@deltacom.com
Sharon Killebrew
McLeodUSA

wheaston@mcleodusa.com
William Heaston
McLeodUSA
P O Box 3177
Cedar Rapids IA 52406-3547

amy.ibis@dtg.com
Amy Ibis
McLeodUSA
140 North Phillips Ave Ste 404
Sioux Falls SD 57104-6711

sbunn@mlgc.com
Shelie Bunn
Moore & Liberty Telephone Co
Enderlin ND 58027

dhill@ndarec.com
Dennis Hill
ND Assn Rural Electric Coops
PO Box 727
Mandan ND 58554-0727

lclemens@nft.net
Larry Clemens
Noonan Farmers Tele Co
Noonan ND 58765

cajuul@norstan.com
Cathy Juul
Norstan Network Services Inc
P O Box 5715
Minnetonka MN 5534333-57

klund@nccray.com
Kenneth Lund
Northwest Communications Corp
PO Box 38
Ray ND 58849-0038

jram@erols.com
John Ramsey
Parcel Consultants Inc
150 Commerce Rd
Cedar Grove NJ 07009

ddunning@polarcomm.com
David Dunning
Polar Telcom Inc
PO Box 270
Park River ND 58270-0270

gerrya@midriv.com
Gerry Anderson
Mid-Rivers Telephone Coop Inc
PO Box 280
Circle MT 59215-0280

hfuglest@ndarec.com
Harlan Fugelsten
ND Assn Rural Electric Coops
PO Box 727
Mandan ND 58554-0727

pschaner@ndarec.com
Patti Schaner
ND Assn Rural Electric Coops
PO Box 727
Mandan ND 58554-0727

rer@norlight.com
Robert E Rogers
NorLight Inc
275 N Corporate Dr
Brookfield WI 53045

pagndta@btigate.com
Patricia Gisinger
North Dakota Telephone Assoc
PO Box 2614
Bismarck ND 58502-2614

royce@restel.net
Royce Aslakson
Parcel Consultants Inc
150 Commerce Rd
Cedar Grove NJ 07009

ddunning@polarcomm.com
David Dunning
Polar Commun Mut Aid Corp
PO Box 270
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

stevedl@srttel.com
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@citol .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
SRT Communications Inc
P O Box 789
Minot ND 58702-0789

mdickers@state.nd.us
Marcy Dickerson
State Tax Department
State Capitol
Bismarck ND 58505

grndelec@iw.net
Darrell Henderson
Stateline Telecomm Inc
PO Box 39
Bison SD 57620-0039

clarson@telegroup.com
Caroline Larson
Telegroup Inc
2098 Nutmeg Ave
Fairfield IA 52556

bgreene@magicnet.net
Barbara Greene
Telephone Co of Central Florida Inc
3599 W Lake Mary Blvd Ste E
Lake Mary FL 32746-3417

thomasc@totaltel.com
Tom Carroll
TotalTel Inc
150 Clove Rd 8th Fl
Little Falls NJ 07424

bpipkin@touch1.com
Leigh Ann Wooten
Touch 1 Long Distance Inc
100 Brookwood Rd
Atmore AL 36502

maryg@uslink.net
Mary Goodman
U S Link Inc
200 2nd St
Pequot Lakes MN 56472

lahall@usgs.gov
Lenora Hall
U S Geological Survey

kjvannin@usgs.gov
K Vannin
U S Geological Survey

afranklin@us-south.net
Anne Franklin
U S South Communications Inc
250 Williams St Ste 2360
Atlanta GA 30303

ralyana@uswest.com
Richard Alyanak
U S WEST

kblicke@uswest.com
Kent Blickensderfer
U S WEST Communications Inc
PO Box 5508
Bismarck ND 58502-5508

smacint@uswest.com
Scott Macintosh
U S WEST Communications Inc
PO Box 5508
Bismarck ND 58502-5508

jmunn@uswest.com
John Munn
U S WEST Communications Inc
1801 California Rm 5100
Denver CO 80202

saberry@uswest.com
Sharon Berry
U S WEST Communications Inc
409 1st Ave N
Fargo ND 58102-4802

sschwan@uswest.com
Suzy Schwandt
U S WEST Communications Inc.
P O Box 5508
Bismarck ND 58502-5508

johng@unidial.com
John Greive
UniDial Communications Inc
1901 Eastpoint Pkwy
Louisville KY 40223

kander@ictc.com
Keith Anderson
Valley Communications Inc
P O Box 8
Nome ND 58062

tsusak@vocal? m
Tony Susak
VoCall Communications Corp
284 Sheffield St
Mountainside NJ 07092

bonniek@westriv.com
Bonnie Krause
West River Telecomm Coop
PO Box 467
Hazen ND 58545-0467

pihland@means.net
Paul Ihland
Wolverton Telephone Company
Wolverton MN 56594

Myer Shark
2277 Gene Autry Trail Unit C
Palm Springs CA 92264

Ann Faught
Absaraka Co-op Tele Co
Absaraka ND 58002

Mark Waind
Altru Health System
1200 South Columbia Rd
Grand Forks ND 58201

Arch Paging
11437 Valley View Rd
Eden Prairie MN 55344

Jack Medaris
Atlas Communications LTD
484 Norristown Rd Ste 123
Blue Bell PA 19422

Jennifer Whitley
Business Discount Plan Inc
3780 Kilroy Arpt Wy
Long Beach CA 90806

Scott Geston
Cable One of Fargo
P O Box 10624
Fargo ND 58106-0624

Robert Fallan
Coast International
14303 W 95th St
Lenexa KS 66215-5210

Molli Harper
Commnet Cellular Inc
8350 E Crescent Pkwy Ste 400
Englewood CO 80111

Elaine McHale
Concert Communications Sales LLC
295 N Maple Ave Rm 5463A2
Basking Ridge NJ 07920

Myer Shark
Knollwood Place Apts #221
3630 Phillips Pkwy
St Louis Park MN 55426

ACN Communications Services Inc
32991 Hamilton Ct
Farmington Hills MI 48334

John Summers
AmeriTel Pay Phones Inc
8201 Tristar Dr
Irving TX 75063-2816

Leeann Brunnette
AT&T
321 E Walnut St
Des Moines IA 50309

Dorothy Jones
Bell Atlantic Communications Inc
1320 N Courthouse Rd 9th Fl
Arlington VA 22201

John Session
Cable & Wireless Comm Inc
8219 Leesburg Pike
Vienna VA 22182

Choctaw Communications Inc
1600 Viceroy
Dallas TX 75235

Comcast Telecommunications
1500 Market St
Philadelphia PA 19102

Murray Barr
Competitive Strategies Group Inc
70 East Lake St 7th Fl
Chicago IL 80112

D D D Calling Inc
5120 Woodway Ste 8020
Houston TX 77056

Robert Hill
Dakota Central Tele Coop
PO Box 299
Carrington ND 58421-0299

Robert Hill
Dakota Central Telecom I
PO Box 299
Carrington ND 58421-0299

Dickey Rural Communications Inc
PO Box 69
Ellendale ND 58436-0069

DSLnet Communications LLC
545 Long Wharf Dr
New Haven CT 06511

Easton Telecom Services Inc
4646 W Streetsboro
Richfield OH 44286

Excel Communications Inc
8750 N Central Expswy Ste 2000
Dallas TX 75231

Lawrence Freedman
Fleischman & Walsh
1400 16th ST NW
Washington DC 20036

Framco Inc
P O Box 2711
Fargo ND 58108

Ronald Rodemerk
Frontier Comm International
180 S Clinton Ave
Rochester NY 14646-0500

Craig Brewerton
Geo Economics
PO Box 4272
Missoula MT 59806-4272

Lucille Nilson
Griggs County Telephone Company
Cooperstown ND 58425

Group Long Distance Inc
6600 N Andrews Ave Ste 140
Ft Lauderdale FL 33309

HJN Telecom Inc
3235 Satellite Blvd Bldg 400 Ste 300
Duluth GA 30096

IdeaOne Telecom Group LLC
3239 39th St SW
Fargo ND 58104

Lance Sentman
International Telcom Ltd
417 2nd Ave W
Seattle WA 98119

Sue Weiske
Ionex Communications North Inc
5710 LBJ Frwy Ste 215
Dallas TX 75240

Nanette Edwards
ITC DELTACOM INC
4092 Memorial Pkwy SW
Huntsville AL 35802-1382

Larry Barnes
IXC/SSC-Regulatory Affairs
1122 S Capital of TX Hwy
Austin TX 78746-6426

Katherine E Ford
U S WEST
1801 California St Ste 5100
Denver CO 80202

Thomas K Crowe
Law Offices of Thomas K Crowe PC
2300 M St NW Ste 800
Washington DC 20037

LCI International Telecom Corp
4650 Lakehurst Ct
Dublin OH 43017

LDM Systems Inc
430 Park Ave 5th Fl
New York NY 10022

Level 3 Communications LLC
3555 Farnam St
Omaha NE 68131

Jan Lowe
Long Dist Consolidated Billing Co
145 S Livernois Rd #199
Rochester MI 48307-1837

Marilyn Foss
MCI WorldCom Inc
707 17th St Ste 3600
Denver CO 80202

MCImetro Access Transmission Services
1801 Pennsylvania Ave NW
Washington DC 20006

McLeodUSA
P O Box 3177
Cedar Rapids IA 52406-3177

Carolyn Fodor
MIDCOM Communications Inc
26913 Northwestern Hwy #165
Southfield MI 48034

Midcontinent Communications
410 South Phillips Ave
Sioux Falls SD 57104

Mid-Rivers Telephone Coop Inc
P O Box 280
Circle MT 59215

Gordon Wilhelmi
Midstate Communications Inc
PO Box 400
Stanley ND 58784-0400

Mark Wilhelmi
Midstate Telephone Co
PO Box 400
Stanley ND 58784-0400

Minnesota Independent Equal Access
Corp
10300 6th Avenue N
Plymouth MN 55441

Mike Strand
MITS
PO Box 5237
Helena MT 59604-5237

MVX Communications LLC
100 Rowland Way Ste 145
Novato CA 94945

Dave Crothers
NDATC
Box 1144
Mandan ND 58554-1144

Richard Thronson
Nemont Telephone Cooperative Inc
Scobey MT 59263

Sharon Meinhart
NetLogix Telecom Inc
501 Bath St
Santa Barbara CA 93101

Net-tel Corporation
1023 31st St NW
Washington DC 20007

Sandra Adams
NewPath Holdings Inc
4364 114th St
Des Moines IA 50322

Nextel West Corp
2001 Edmund Halley Dr
Reston VA 20191-3436

Holly Sasscer
Operator Communications Inc
3530 Forest Ln Ste 200
Dallas TX 75234-7910

Pamcomm
P O Box 5200
Sioux Falls SD 57117-5200

Primus Telecommunications Inc
1700 Old Meadow Rd 3rd Fl
McLean VA 22102

Quintelco Inc
1 Blue Hill Plaza
Pearl River NY 10965

Dean Polkow
RCC Network Inc
PO Box 2000
Alexandria MN 56308-2000

Gene Sloan
Reservation Telephone Cooperative
Parshall ND 58770

Skyland Technologies Inc
P O Box 5237
Helena MT 59604-5237

Andrew Jones
Sprint
8140 Ward Pkwy Flr 5E
Kansas City MO 64114

Randy Burckhard
SRT Communications Inc
P O Box 789
Minot ND 58702-0789

Dave Dirck.
North Dakota Telephone Company
PO Box 180
Devils Lake ND 58301-0180

Patrick Delaney
Overlook Communications International
1325 North Meadow Pkwy #S110
Roswell GA 30076

Bryan Engle
Parcel Consultants Inc
150 Commerce Rd
Cedar Grove NJ 07009

Jan Sebby
Pringle and Herigstad P C
PO Box 1000
Minot ND 58702-1000

Heather Troxell
Qwest Communications Corporation
4250 Fairfax Dr
Arlington VA 22203

RCN Long Distance Company
105 Carnegie Ctr
Princeton NJ 08540

Sandra Adams
NewPath Holdings Inc
4364 114th St
Des Moines IA 50322

Lisa Dabkowski
SNET America Inc
6 Devine St 1st Fl
North Haven CT 06743

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

Harris Saele
T P C Inc
PO Box 180
Devils Lake ND 58301-0180

Target Telecom Inc
1515 S Federal Hwy Ste 400
Boca Raton FL 33432-7451

Jack Medaris
Telco Partners Inc
484 Norristown Rd Ste 123
Blue Bell PA 19422

Tele-Tech Inc
2900 W 11th St
Sioux Falls SD 57104-3660

T-Netix Inc
67 Inverness Drive E
Englewood CO 80112

Charles Steese
U S WEST
1801 California St Ste 5100
Denver CO 80202

Dick Boyer
U S West Interprise America Inc
1999 Bdwy Rm 700
Denver CO 80202

Sam Billingsley
United States Advanced Network Inc
3000 Nrothwoods Pkwy Ste 140
Norcross GA 30071

Dennis Houston
Universal Network Services of ND
1572 North Batavia St Ste 1A
Orange CA 92867

USBG Inc
5601 W 120th St
Alsip IL 60658

Randy Houdek
Venture Communications Inc
PO Box 157
Highmore SD 57345-0157

Regulatory Analyst
Technologies Management Inc
PO Drawer 200
Winter Park FL 32790-0200

Al Bosch
Tele-Beep Company
PO Box 7072
Bismarck ND 58502-7072

Liz Petroni
Teltrust Comm Services Inc
401 N 5600 W
Salt Lake City UT 84116-3753

Kenneth Carlson
Turtle Mountain Communications
PO Box 729
Langdon ND 58249-0729

Richard Alyanak
U S WEST Communications Inc
1801 California St Rm 4700
Denver CO 80202

Giuseppe Vitale
UKI Communications Inc
500 N Rainbow Blvd Ste 300
Las Vegas NV 89107

Kenneth Carlson
United Telephone Mut Aid Corp
Langdon ND 58249

Telecomm Dept
University of North Dakota
Box 8193
Grand Forks ND 58202-7141

Val-Ed Joint Venture LLP
150 2nd St SW
Perham MN 56573

Mick Grosz
West River Communications Inc
PO Box 467
Hazen ND 58545-0467

Doris Cooper
West River Long Distance Co
PO Box 467
Hazen ND 58545-0467

Mick Grosz
West River Telecomm Coop
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-2447-00-628

Copies To:

State Library (8 copies)

Historical Society

Associated Press

Helbling, Sharon D.

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

4 **PU-2447-00-628** Pages: 1

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

12/07/2000

CC: Comm Legal Ilona Jerry

12/7/2000

MOTION

AS FILED
DATE: 12-6-00
KME

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

**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-2447-00-628 Pages: 2

Notice of Opportunity to File Written
Comments
by Public Service Commission

12/06/2000

CC: Comm Legal Ilona 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.

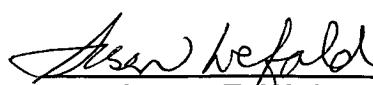
These agreements were filed under Section 252(e) of the Telecommunications Act of 1996 (Act). The Act requires that any agreement adopted by negotiation or arbitration be submitted for approval to the Commission. Under section 252(e)(2)(A), the Commission may only reject an agreement (or portion thereof)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

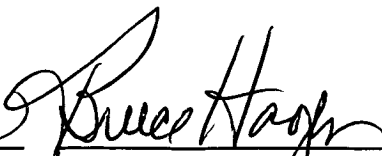
1. the agreement (or portion thereof) discriminates against a telecommunications carrier that was not a party to the agreement;
2. the implementation of the agreement (or portion thereof) is not consistent with the public interest, convenience, and necessity.


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


Susan E. Wefald
Commissioner


Bruce Hagen
President


Leo M. Reinbold
Commissioner

ZUGER KIRMIS & SMITH

COUNSELORS AND ATTORNEYS AT LAW

Lyle W. Kirmis
Thomas O. Smith, P.C.
Lance D. Schreiner, P.C.
James S. Hill, P.C.*[^]
Patrick J. Ward**
Rebecca S. Thiem, P.C.*
Daniel S. Kuntz, P.C.
Brenda L. Blazer, P.C.
Jerry W. Evenson, P.C.*[^]
Christine A. Hogan
Lawrence A. Dopson

316 North Fifth Street
Provident Building
P.O. Box 1695
Bismarck, ND 58502-1695
(701) 223-2711
fax (701) 223-7387
zkslaw@zkslaw.com
www.zkslaw.com

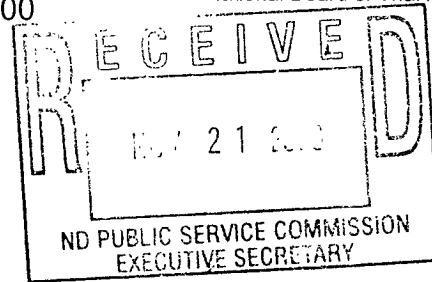
Lawrence E. King*
Tracy Vigness Kolb
Shawnda R. Reid

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 -- 12th Floor
Bismarck, ND 58505-0480

Re: Resale Agreement Between Qwest Corporation and MAXCESS, Inc.

Dear Mr. Mielke:

Enclosed for filing are the original and seven copies of a Resale Agreement between MAXCESS, Inc. and Qwest Corporation f/k/a U S WEST Communications, Inc. The Resale Agreement adopts the terms of the Interconnection Agreement and associated amendments between Pathnet, Inc. and Qwest Corporation which was approved by the Commission on January 26, 2000 in Case No. PU-2207-99-650. 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.
Daniel Webb wo/enc.

kac:\dkuntz\10070\1-mielke.maxcess

1

PU-2447-00-628

Pages: 4

Interconnection agreement application

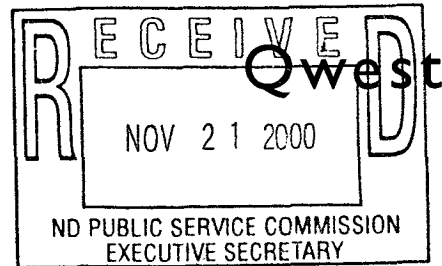
by Maxcess, Inc./Qwest Corporation

11/21/2000

CC: Comm Legal Ilona Jerry .

September 1, 2000

MAXCESS, Inc.
100 West Lucerne Circle
Suite 500
Orlando, Fl. 32801



Dear Mr. Webb:

We have received your request that, under Section 252(i) of the Telecommunications Act of 1996, MAXCESS, Inc. ("CLEC") wishes to "Pick and Choose" in its entirety, the terms of the Interconnection Agreement and any associated amendments, if applicable, ("Agreement") between Pathnet, 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 Pathnet, Inc. Agreement for interconnection with Qwest and in applying the terms and conditions, agrees that MAXCESS, Inc. be substituted in place of "Pathnet, 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:

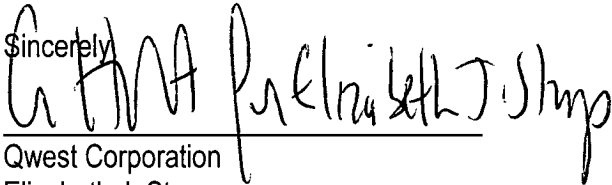
To: MAXCESS, Inc.
Dan Webb / Chief Technology Officer
100 West Lucerne Circle, Suite 500
Orlando, Fl. 32801
Phone: 407-513-7700
Fax: 407-513-7701

MAXCESS, Inc.
Doris Franklin
315 South Calhoun, Suite 314
Tallahassee, Fl. 32301
Phone: 770-569-2105

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 November 1, 2000. After November 1, 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,


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:

MAXCESS, Inc.

CLEC Name

Daniel Webb

Name



Signature

Chief Technology Officer

Title

09/06/00

Date

PU-2447-00-628

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:
 Dan Webb
 Maxcess Inc
 100 W Lucerne Circle Ste 500
 Orlando FL 32801

2. Article Number (Copy from service label)
 7099 3400 0014 4513 6286

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **L. UPDIKE** B. Date of Delivery **12/12/00**

C. Signature **X. L. Updike** Agent Addressee

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PU-2447-00-628

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:
 Dan Webb
 Maxcess Inc
 100 W Lucerne Circle Ste 500
 Orlando FL 32801

2. Article Number (Copy from service label)
 7000 0520 0022 8654 0308

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **L. UPDIKE** B. Date of Delivery **1/30/01**

C. Signature **X. L. Updike** Agent Addressee

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes