

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Guaranteed Phone Service/Qwest Corporation
Interconnection Agreement
Application**

Case No. PU-2594-01-495

**Sprint Spectrum L.P./Qwest Corporation
Interconnection Agreement Amendment
Application**

Case No. PU-2517-01-524

ORDER

December 5, 2001

On September 12, 2001, in Case No. PU-2594-01-495, Qwest Corporation (Qwest) filed an application for approval of a service resale agreement negotiated with Guaranteed Phone Service of Council Bluffs, Iowa. This agreement sets forth rates, terms and conditions under which Qwest agrees to provide services for resale.

On September 28, 2001, in Case No. PU-2517-01-524, Qwest filed an application for approval of an amendment negotiated to its Type 2 Wireless Interconnection Agreement with Sprint Spectrum L.P. as general partner and agent for Wireless Co L.P. jointly d/b/a Sprint PCS. This amendment sets forth intercarrier compensation for ISP-bound traffic to reflect the FCC Report and Order in CC Docket 99-68.

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.

On October 24, 2001, the Commission issued a Notice of Opportunity to File Written Comments, which provided that the Commission would receive comments on the agreements until November 26, 2001. No comments have been received.

The Commission has reviewed the agreements and does not find them discriminatory against a telecommunications carrier that was not a party to the

agreements. The Commission finds that implementation of the agreements is not inconsistent with the public interest, convenience and necessity.

Order

The Commission orders:

1. The captioned interconnection agreements are APPROVED.
2. The Commission retains continuing jurisdiction over the agreements at all times.
3. Notice of any changes to the agreements must be filed promptly with the Commission.
4. The agreements must not be assigned, assumed or otherwise transferred without the approval of the Commission.

PUBLIC SERVICE COMMISSION

Anthony T. Clark
Commissioner

Susan E. Wefald
President

Leo M. Reinbold
Commissioner