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From: Marquart, Janet R.
Sent: Wednesday, November 25, 2009 1:42 PM
To: 'Colleen Park'
Subject: PU-07-314
Attachments: 25-Nov-09_Notice of Opportunity.doc

Colleen
North Dakota Newspaper Association

Please have the attached Notice of Opportunity for Hearing published one time as a legal publication in the next issue of the ten daily newspapers.

Do not publish in the classifieds. Please run it as a "News Item Only" article as well.

The notice must be published once in each paper.

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

Please confirm via e-mail that you received this request.

If you have any questions or cannot open the version of the notice, please call me at 328-4076 or email.

Thank you!

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**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Qwest Corporation
Request to Withdraw SGAT Available
Terms/Conditions
Application**

Case No. PU-07-314

NOTICE OF OPPORTUNITY FOR HEARING

November 25, 2009

On June 14, 2007, Qwest Corporation (Qwest) filed an application to withdraw its Statement of Generally Available Terms and Conditions (SGAT). The SGAT is a statement of the terms and conditions under which Qwest provides access and interconnection to its network facilities for the network facilities of unaffiliated, competing providers of telephone exchange services.

Qwest states that the SGAT was last updated on May 30, 2002 and, due to changes in applicable law since then, the SGAT is outdated. Qwest states that it will continue to make its Performance Indicator Definitions and its Performance Assurance Plan available to competitive local exchange companies.

On July 25, 2007, the Commission issued a Notice of Opportunity for Hearing. On August 29, 2007, Level 3 Communications, LLC filed comments requesting that the Commission require Qwest to file an updated SGAT for approval, that all carriers have the opportunity to participate in the approval process regarding the SGAT, and that the Commission order Qwest to allow Level 3 to continue to operate under its current interconnection agreement until an updated SGAT has been submitted and approved.

On October 15, 2009, Qwest filed a request that the Commission issue an order approving withdrawal of the SGAT. Qwest believes that three developments support the withdrawal: (1) on June 9, 2008, Level 3, entered into a Term Extension Agreement of its interconnection agreement with Qwest, extending that agreement until July 31, 2010; (2) the Idaho Commission granted Qwest's request to withdraw the Idaho SGAT finding that intervenors did not identify a legal requirement in Idaho that an SGAT remain in effect; and (3) in the two years since Qwest made its filing to withdraw the SGAT, no CLEC has opted into the SGAT in North Dakota.

Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. Requests for hearing must be received by **January 15, 2010**. If deemed appropriate, the Commission can determine the matter without a hearing.

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 the Commission.

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