

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Midcontinent Communications/Consolidated Telcom  
Interconnection Agreement Amendment  
Application

Case No. PU-08-84

**ORDER APPROVING INTERCONNECTION AGREEMENT AMENDMENT**

April 23, 2008

On February 19, 2008 Midcontinent Communications filed a petition for approval of an Additional Territory Amendment negotiated to its interconnection agreement with Consolidated Telcom. The amendment would add the Hettinger, ND Exchange to Exhibit B, Area of Resale to Attachment 1, Resale, to the General Terms and Conditions of existing the resale area under the existing agreement.

This amendment 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 47 U.S.C. § 252(e)(2)(A), the Commission may only reject an agreement adopted by negotiation (or a portion of the agreement) if it finds that:

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

In addition, under 47 U.S.C. Section 253 the Commission may include in its review state requirements that do not constitute barriers to entry.

Section 252(e)(4) requires that the Commission act to approve or reject an agreement adopted by negotiation within ninety (90) days after submission by the parties.

On March 12, 2008 the Commission issued a Notice of Opportunity to File Written Comments, which provided that the Commission would receive written comments on the agreement amendment until April 15, 2008. No comments were received.

The Commission has reviewed the agreement amendment 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 amended agreement has not been shown to be inconsistent with the public interest, convenience and necessity.

## Order

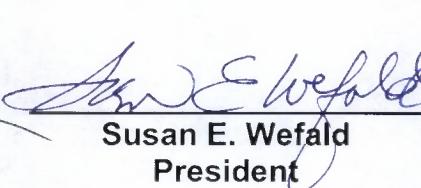
The Commission orders:

1. The interconnection agreement amendment negotiated between Midcontinent Communications and Consolidated Telcom filed with the Commission on February 19, 2008 is APPROVED.
2. The Commission retains continuing jurisdiction over the amended agreement at all times.
3. Notice of any changes to the amended agreement must be filed promptly with the Commission.
4. The amended agreement must not be assigned, assumed or otherwise transferred without the approval of the Commission.
5. Each party to the amended agreement shall respond reasonably and in good faith to the other party's requests to implement the agreement.

## PUBLIC SERVICE COMMISSION



Tony Clark  
Commissioner



Susan E. Wefald  
President



Kevin Cramer  
Commissioner