

RECEIVED

MAY 22 2008

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

PUBLIC SERVICE COMMISSION

Midcontinent Communications/Consolidated  
Telcom  
Interconnection Agreement Amendment  
Application

Case No. PU-08-134

**AFFIDAVIT OF SERVICE BY CERTIFIED & REGULAR MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Janet Marquart** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **22<sup>nd</sup> day of May, 2008**, she deposited in the United States Mail, at Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

**Order Approving Interconnection Agreement Amendment**

The envelopes were addressed as follows:

Patrick W. Durick  
Pearce & Durick  
314 E Thayer Ave  
PO Box 400  
Bismarck ND 58502-0400

Michael Maus  
Hardy, Maus & Nordsven PC  
137 1<sup>st</sup> Ave W  
PO Box 570  
Dickinson ND 58602-0570

**Cert. No. 7008 0150 0003 3556 2032**

**Cert. No. 7008 0150 0003 3556 2049**

**Janet Marquart** further deposes and says that on the **22<sup>nd</sup> day of May, 2008**, 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.

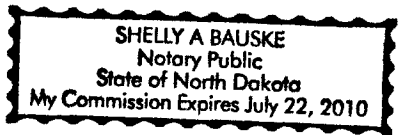
Mary Lohnes  
Midcontinent Communications  
5001 W 41<sup>st</sup> Street  
Sioux Falls SD 57106

JG Harrington  
Dow Lohnes PLLC  
1200 New Hampshire Ave NW, Ste 800  
Washington DC 20036-6802

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

Subscribed and sworn to before me  
this 22<sup>nd</sup> day of May, 2008

SEAL



*Janet Marquart*  
\_\_\_\_\_  
*Shelly A Bauske*  
\_\_\_\_\_  
Notary Public

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Midcontinent Communications/Consolidated Telcom  
Interconnection Agreement Amendment  
Application**

**Case No. PU-08-134**

**ORDER APPROVING INTERCONNECTION AGREEMENT AMENDMENT**

**May 21, 2008**

On March 26, 2008 Midcontinent Communications filed a petition for approval of a Second Additional Territory Amendment negotiated to its interconnection agreement with Consolidated Telcom. The amendment would add the Reeder, Scranton, South Heart, and Dodge, North Dakota exchanges to the areas in which Consolidated Telcom will provide wholesale resale services to Midcontinent Communications.

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 April 4, 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 May 7, 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.

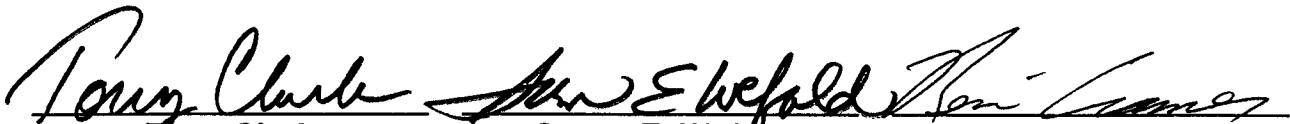
**Order**

**11    PU-08-134    Filed: 5/21/2008    Pages: 2**  
**Order Approving Amendment**

The Commission orders:

1. The interconnection agreement amendment negotiated between Midcontinent Communications and Consolidated Telcom filed with the Commission on March 26, 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                      Susan E. Wefald                      Kevin Cramer  
Commissioner                      President                      Commissioner