

APPROVED  
DATE: 7-30-08  
sj

MOTION

July 30, 2008

**Midcontinent Communications/United Telephone  
Interim Interconnection Agreement  
Application**

**Case No. PU-08-229**

I move the Commission adopt the order approving an interim interconnection agreement negotiated between Midcontinent Communications and United Telephone, Case No. PU-08-229.

JRL/jrm

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Midcontinent Communications/United Telephone  
Interim Interconnection Agreement  
Application

Case No. PU-08-229

**ORDER APPROVING INTERIM INTERCONNECTION AGREEMENT**

**July 30, 2008**

On May 29, 2008 Midcontinent Communications filed a petition for approval of a interim interconnection agreement negotiated with United Telephone Mutual Aid Corporation (United Telephone). The agreement sets forth rates, terms and conditions under which United Telephone will provide interconnection and wholesale services to Midcontinent Communications.

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 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 June 19, 2008 the Commission issued a Notice of Opportunity to File Written Comments, which provided that the Commission would receive written comments on the agreement until July 23, 2008. No comments were received.

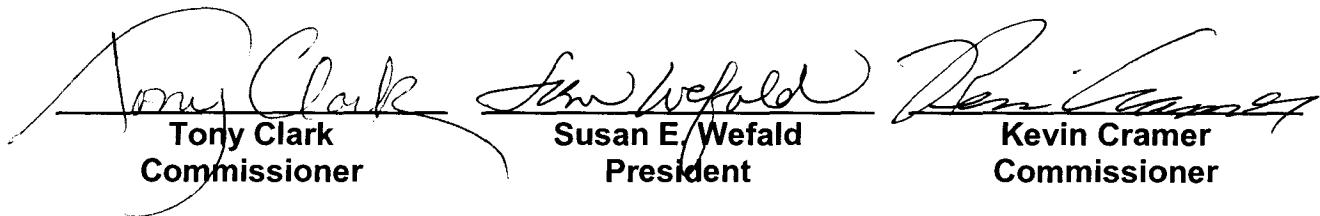
The Commission has reviewed the agreement and finds that it has not been shown to discriminate against a telecommunications carrier that was not a party to the agreement. The Commission further finds that implementation of the agreement has not been shown to be inconsistent with the public interest,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

## Order

The Commission orders:

1. The interconnection agreement negotiated between Midcontinent Communications and United Telephone filed with the Commission on May 29, 2008 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



The image shows three handwritten signatures in black ink. From left to right: 1. Tony Clark, with the text "Tony Clark" and "Commissioner" printed below the signature. 2. Susan E. Wefald, with the text "Susan E. Wefald" and "President" printed below the signature. 3. Kevin Cramer, with the text "Kevin Cramer" and "Commissioner" printed below the signature.