

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Midcontinent Communications/ND Telephone Co.
Interconnection Agreement Amendment
Application

Case No. PU-08-578

ORDER ON INTERCONNECTION AGREEMENT AMENDMENT

December 03, 2008

On July 22, 2008, Midcontinent Communications filed a petition for approval of an interconnection agreement amendment negotiated with North Dakota Telephone Company. The agreement amendment sets forth terms and conditions under which North Dakota Telephone Company will provide interconnection and wholesale resale of telecommunications services to Midcontinent Communications.

This agreement 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.

On July 30, 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 September 5, 2008. No comments were received.

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. Effective for interconnection agreements filed after November 20, 2003, the Commission no longer takes action to approve interconnection agreements adopted by negotiation. Negotiated interconnection agreements are posted at the Commission's web site and the Commission will receive written comments on the agreement for 60 days from the date filed. Absent Commission action within 90 days of filing to reject an agreement (or portion thereof) adopted by negotiation, the agreement will be deemed approved under section 252(e)(4) of the Telecommunications Act of 1996. Therefore, the effective date of this interconnection agreement amendment is October 20, 2008.

Order

The Commission orders:

1. The interconnection agreement amendment negotiated between Midcontinent Communications and North Dakota Telephone Company filed with the Commission on July 22, 2008 is APPROVED effective October 20, 2008.
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



Tony Clark
Tony Clark
Commissioner



Susan E. Wefald
Susan E. Wefald
President



Kevin Cramer
Kevin Cramer
Commissioner