

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**North Dakota Telephone Company/  
Midcontinent Communications  
Interconnection Agreement Amendment  
Application**

**Case No. PU-09-304**

**ORDER ON INTERCONNECTION AGREEMENT AMENDMENT**

**August 12, 2009**

On July 26, 2006, North Dakota Telephone Company (NDTC) entered into an interconnection agreement with Midcontinent Communications (Midcontinent) pursuant to Section 251 of the Telecommunications Act of 1996 (Act). The agreement set forth terms and conditions under which NDTC provides wholesale services for resale by Midcontinent, Case No. PU-05-451.

On March 31, 2008, the companies amended the July 26, 2006 wholesale resale agreement and included the provision of extended area service (EAS) interconnection, Case No. PU-08-578.

On June 12, 2009, Midcontinent filed a petition for approval of further amendments, which add the provision of the interconnection services in the Harvey Exchange.

Under Section 252(e) of the Act, any agreement adopted by negotiation or arbitration must be submitted for approval to the Commission. 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) of the Act 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 24, 2009, 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 31, 2009. 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 North Dakota Telephone Company and Midcontinent Communications, filed with the Commission on June 12, 2009, 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**

  
**Tony Clark**  
Commissioner

  
**Kevin Cramer**  
Chairman

  
**Brian P. Kalk**  
Commissioner