

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Turtle Mountain Communications/Midcontinent
Communications
Interconnection Agreement
Application**

Case No. PU-10-20

ORDER ON INTERCONNECTION AGREEMENT

March 10, 2010

On January 8, 2010, Midcontinent Communications (Midcontinent) filed a petition for approval of a facilities-based interconnection agreement with Turtle Mountain Communications, Inc. The agreement sets forth rates, terms, and conditions under which Turtle Mountain Communications will provide to Midcontinent Communications wholesale resale of telecommunications services, facilities-based interconnection, exchange of traffic, number portability, and other customary arrangements for the Rolla and Rolette exchanges.

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 January 13, 2010, the Commission issued a Notice of Opportunity to File Written Comments, which provided that the Commission would receive written comments on the agreement until February 26, 2010. 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 Turtle Mountain Communications and Midcontinent Communications, and filed with the Commission on January 8, 2010, 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