

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

North Dakota Telephone Company /  
Midcontinent Communications  
Interconnection Agreement Amendment  
Application

Case No. PU-10-309

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

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Cara DeSaye** deposes and says that:

she is over the age of 18 years and not a party to this action, and, on the **25<sup>th</sup>** day of **August, 2010**, she deposited in the United States Mail, at Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

**Order on Interconnection Agreement Amendment**

The envelopes were addressed as follows:

Mr. Patrick W. Durick  
Attorney for Midcontinent Communications  
Pearce & Durick  
314 E Thayer Avenue  
PO Box 400  
Bismarck ND 58502-0400

Mr. Dave Dircks  
General Manager  
North Dakota Telephone Company  
211 22<sup>nd</sup> St NW  
PO Box 180  
Devils Lake ND 58301

**Cert. No. 7010 1060 0001 0644 4062**

**Cert. No. 7010 1060 0001 0644 4055**

**Cara DeSaye** further deposes and says that on the **25<sup>th</sup>** day of **August, 2010**, she deposited in the United States Mail, Bismarck, North Dakota, **three** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same:

Mr. Don Negaard  
Pringle & Herigstad, PC  
PO Box 1000  
Minot, ND 58702-1000

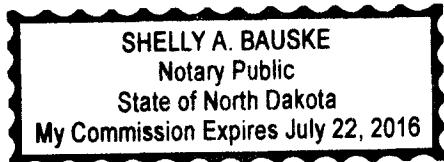
Ms. Nancy Vogel,  
Director of Revenue Assurance  
Midcontinent Communications  
3901 N Louise Avenue  
Sioux Falls SD 57107

Mr. J. G. Harrington  
Dow Lohnes  
1200 New Hampshire Ave NW, Ste 800  
Washington DC 20036

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

Subscribed and sworn to before me  
this 25<sup>th</sup> day of **August, 2010**.

SEAL



Shelly A. Bauske  
Notary Public

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

North Dakota Telephone Company/ Midcontinent  
Communications  
Interconnection Agreement Amendment  
Application

Case No. PU-10-309

**ORDER ON INTERCONNECTION AGREEMENT AMENDMENT**

**August 24, 2010**

On June 25, 2010, Midcontinent Communications (Midcontinent) filed a petition for approval of an interconnection agreement amendment with North Dakota Telephone Company. The agreement amendment sets forth rates, terms, and conditions under which North Dakota Telephone Company will provide interconnection services, local number portability, ancillary services, and wholesale services for resale to Midcontinent in the New Rockford, North Dakota exchange.

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 amendment 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 30, 2010, the Commission issued a Notice of Opportunity for Comment, which provided that the Commission would receive written comments on the agreement amendment until August 13, 2010. 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 amendment. The Commission further finds that implementation of the agreement amendment 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 Midcontinent Communications and North Dakota Telephone Company and filed with the Commission on June 25, 2010, is APPROVED.
2. The Commission retains continuing jurisdiction over the agreement amendment at all times.
3. Notice of any changes to the agreement amendment must be filed promptly with the Commission.
4. The agreement amendment must not be assigned, assumed or otherwise transferred without the approval of the Commission.
5. Each party to the agreement amendment shall respond reasonably and in good faith to the other party's requests to implement the agreement amendment.

**PUBLIC SERVICE COMMISSION**



Tony Clark  
Tony Clark  
Commissioner



Kevin Cramer  
Kevin Cramer  
Chairman



Brian P. Kalk  
Brian P. Kalk  
Commissioner