

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Turtle Mountain Communications, Inc. /
Midcontinent Communications
Interconnection Agreement Amendment
Application**

Case No. PU-10-387

ORDER ON INTERCONNECTION AGREEMENT AMENDMENT

September 8, 2010

On July 8, 2010, Turtle Mountain Communications, Inc. (Turtle Mountain) entered into an interconnection agreement amendment with Midcontinent Communications (Midcontinent) pursuant to Section 251 of the Telecommunications Act of 1996 (Act). The agreement amendment sets forth terms and conditions under which Turtle Mountain will provide interconnection services, local number portability, ancillary services and wholesale services for resale to Midcontinent in the Bisbee, Dunseith, and Willow City, North Dakota exchanges. The agreement was filed with the Commission on July 8, 2010.

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 July 14, 2010, the Commission issued a Notice of Opportunity for Comment, which provided that the Commission would receive written comments on the agreement until August 26, 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. 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 Turtle Mountain Communications, Inc. and Midcontinent Communications, filed with the Commission on July 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