

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

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

**Case No. PU-10-387**

**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 **9<sup>th</sup>** day of **September, 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  
PO Box 400  
Bismarck ND 58502-0400

Mr. Kenneth Carlson, Manager  
Turtle Mountain Communications, Inc.  
411 7<sup>th</sup> Avenue  
Langdon, ND 58249

**Cert. No. 7010 1060 0001 0644 4123**

**Cert. No. 7010 1060 0001 0644 4130**

**Cara DeSaye** further deposes and says that on the **9<sup>th</sup>** day of **September, 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:

Affidavit of Service  
Page 2  
September 9, 2010

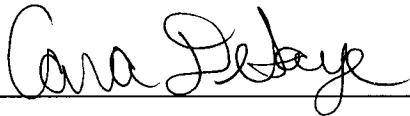
Nancy Vogel  
Midcontinent Communications  
3901 N Louise Avenue  
Sioux Falls SD 57107

Valerie Wimer, Vice President  
John Staurulakis Incorporated  
6315 Seabrook Road  
Seabrook, MD 20706

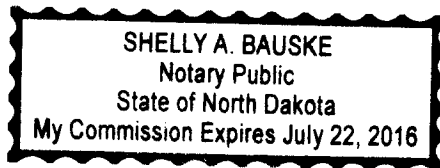
J. G. Harrington  
Dow Lohnes  
1200 New Hampshire Ave NW, Ste 800  
Washington DC 20036

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

Subscribed and sworn to before me  
this 9<sup>th</sup> day of **September, 2010**.

  
\_\_\_\_\_

SEAL



  
\_\_\_\_\_  
Notary Public

**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

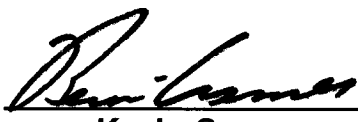
The Commission orders:

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.

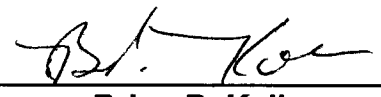
### PUBLIC SERVICE COMMISSION



Tony Clark  
Commissioner



Kevin Cramer  
Chairman



Brian P. Kalk  
Commissioner