

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Midcontinent Communications/North Dakota  
Telephone Company  
Interconnection Agreement Amendment  
Application

Case No. PU-12-723

AFFIDAVIT OF SERVICE BY CERTIFIED 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 **14<sup>th</sup>** day of **November, 2012**, 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**

The envelopes were addressed as follows:

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

Mr. Dave Dircks  
North Dakota Telephone Company  
PO Box 180  
Devils Lake ND 58301-0180

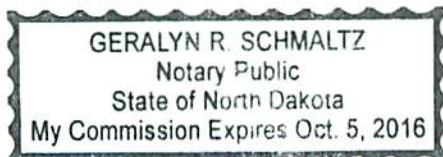
**Cert. No. 7011 3500 0003 4574 6060**



**Cert. No. 7011 3500 0003 4574 6077**

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

Subscribed and sworn to before me  
this **14<sup>th</sup>** day of **November, 2012**

SEAL



  
  
Notary Public

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Midcontinent Communications / North Dakota  
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**Case No. PU-12-723**

**ORDER ON INTERCONNECTION AGREEMENT AMENDMENT  
November 9, 2012**

On September 4, 2012, Midcontinent Communications (Midcontinent) entered into an interconnection agreement amendment with North Dakota Telephone Company (NDTC) pursuant to Section 251 of the Telecommunications Act of 1996 (Act). The agreement amendment sets forth terms and conditions under which NDTC will provide interconnection services, exchange of traffic, number portability, ancillary services and wholesale services for resale to Midcontinent in the Drake, Anamoose, and Fessenden, North Dakota exchanges. The agreement was filed with the Commission on September 5, 2012.

On September 5, 2012, Midcontinent filed a request for approval of the interconnection agreement in less than 90 days pursuant to 47 U.S.C. § 252(e)(1).

This agreement was filed under Section 252(e) of the Telecommunications Act of 1996. 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) 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 September 12, 2012, the Commission issued a Notice of Opportunity for Comment providing until close of business on October 24, 2012 to receive comments. 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 September 5, 2012, 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

  
Kevin Cramer  
Commissioner

  
Brian P. Kalk  
Chairman

  
Bonny M. Fetch  
Commissioner