

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Midcontinent Communications / Red River Rural
Telephone
Interconnection Agreement
Application**

Case No. PU-16-36

ORDER ON INTERCONNECTION AGREEMENT

February 24, 2016

On January 13, 2016, Midcontinent Communications, a South Dakota Partnership (Midcontinent) entered into an interconnection agreement with Red River Rural Telephone Association (Red River) pursuant to Section 251 of the Telecommunications Act of 1996 (Act). The agreement sets forth terms and conditions under which Red River will provide network interconnection services, exchange of traffic, number portability, and ancillary services to Midcontinent in the Hankinson, Lidgerwood and Fairmount, North Dakota exchanges. The agreement was filed with the Commission on January 14, 2016.

Midcontinent has requested 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 January 20, 2016, the Commission issued a Notice of Opportunity for Comment providing until February 23, 2016, to receive written comments. 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 Midcontinent Communications and Red River Rural Telephone Association, filed with the Commission on January 14, 2016, 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



Randy Christmann
Commissioner



Julie Fedorchak

Julie Fedorchak
Chairman

Brian P. Kalk
Commissioner