

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE FILING FOR) APPROVAL OF A RESALE AGREEMENT) BETWEEN QWEST CORPORATION AND) CIERA NETWORK SYSTEMS, INC.)	ORDER APPROVING WITHDRAWAL OF AGREEMENT TC01-045
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On April 23, 2001, the South Dakota Public Utilities Commission (Commission) received a filing from Qwest Corporation (Qwest) for approval of a negotiated agreement between Qwest and Ciera Network Systems, Inc. (Ciera) pursuant to 47 U.S.C. §§ 252(a)(1) and 252(e).

On April 26, 2001, the Commission electronically transmitted notice of this filing to interested individuals and entities. The notice stated that any person wishing to comment on the parties' request for approval had until May 14, 2001, to do so. Parties to the agreement had until twenty days of the date of service of these comments to file their written responses to the comments. No parties filed comments. On May 14, 2001, Ciera requested that the agreement be withdrawn.

At its duly noticed May 22, 2001, meeting, the Commission considered whether to approve the withdrawal of the resale agreement between Qwest and Ciera. Commission Staff recommended approval of the withdrawal.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-81, and the Federal Telecommunications Act of 1996. Upon review of the request for withdrawal, the Commission voted to approve it. It is therefore

ORDERED, that the Commission approves the withdrawal of the resale agreement which is the subject of this docket.

Dated at Pierre, South Dakota, this 30th day of May, 2001.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u>Delaine Kalbs</u>
Date: <u>5/30/01</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

 _____ JAMES A. BURG, Chairman
 _____ PAM NELSON, Commissioner