

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

IN THE MATTER OF THE FILING OF AN) AGREEMENT BETWEEN QWEST) COMMUNICATIONS CORPORATION,) INCLUDING ITS CONTROLLED AFFILIATES) AND MCLEODUSA TELECOMMUNICATIONS) SERVICES, INC., INCLUDING MCLEODUSA) INCORPORATED AND ITS CONTROLLED) AFFILIATES)	ORDER FINDING FILING) NOT MANDATORY) TC02-180)
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On October 15, 2002, Qwest Corporation (Qwest) submitted a copy of an agreement dated September 19, 2002, between Qwest Communications Corporation, including its controlled affiliates (collectively QCC) and McLeodUSA Telecommunications Services, Inc., including McLeodUSA Incorporated and its controlled affiliates (collectively McLeod) with the Public Utilities Commission (Commission). The agreement regards resolution of disputes and claims between QCC and McLeod arising under two separate 10/02/00 Purchase Agreements and a 12/31/01 Confidential Billing Settlement Agreement. Based on Qwest's interpretation of the Federal Communications Commission's Order released October 4, 2002, in WC Docket No. 02-089, the agreement was not filed pursuant to section 252(e) of the Telecommunications Act of 1996, and was submitted by Qwest as an informational filing.

On November 7, 2002, the Commission electronically transmitted notice of the filing of the agreement to interested individuals and entities. The notice stated that any person wishing to comment on the agreement had until November 19, 2002, to do so. No comments were filed.

At its duly noticed December 19, 2002, meeting, the Commission considered this matter. The Commission voted unanimously that this filing does not fall under the mandatory filing requirements of section 252(a)(1) of the Telecommunications Act of 1996, and therefore does not require Commission approval. It is therefore

ORDERED, that this filing does not require Commission approval.

Dated at Pierre, South Dakota, this 3rd day of January, 2003.

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>Melaine Kelbo</u>
Date:	<u>1/6/03</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
 JAMES A. BURG, Chairman

Pam Nelson
 PAM NELSON, Commissioner

Robert K. Sahr
 ROBERT K. SAHR, Commissioner