

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

IN THE MATTER OF THE FILING FOR)
APPROVAL OF A CONFIDENTIAL)
SETTLEMENT AGREEMENT BETWEEN)
QWEST CORPORATION AND BLACK HILLS)
FIBERCOM, LLC)

**ORDER APPROVING
AGREEMENT**

TC06-093

On July 12, 2006, the Commission received for approval a filing of a confidential settlement agreement between Qwest Corporation (Qwest) and Black Hills FiberCom, LLC (Black Hills FiberCom).

On July 27, 2006, 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 August 14, 2006, to do so. No comments were filed.

At its duly noticed December 19, 2006, meeting, the Commission considered whether to approve the agreement between Qwest and Black Hills FiberCom. Commission Staff recommended its approval.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, and the Federal Telecommunications Act of 1996. In accordance with 47 U.S.C. § 252(e)(2), the Commission found that the agreement does not discriminate against a telecommunications carrier that is not a party to the agreement and the agreement is consistent with the public interest, convenience, and necessity. The Commission unanimously voted to approve the agreement. It is therefore

ORDERED, that the Commission approves the agreement.

Dated at Pierre, South Dakota, this 28th day of December, 2006.

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><i>Arlene Kalbo</i></u>
Date: <u>12/29/06</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Gary Hanson
GARY HANSON, Commissioner

Steve Kolbeck
STEVE KOLBECK, Commissioner