

**Qwest Corporation
Exchange and Network
Services Catalog No. 1**

SECTION 4
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Release 3
Effective: 2-23-2007

State of South Dakota
Issued: 2-23-2007

4. CONSTRUCTION CHARGES

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4. CONSTRUCTION CHARGES

4.1 DEFINITION OF TERMS

Applicant

Customer, builder or developer

Building

See "Same Building"

Central Distributing Point

The point of initial access into the customer's building(s) where the protective termination of the underground facilities is located.

Cost

Costs include material, supplies, engineering, labor, supervision, transportation, and rights-of-way for placing and removal of facilities and associated channel equipment, including applicable overheads.

Demarcation Point

The point where the Company's facilities end and the property/building owner facilities begin.

Drop Wire

Wires between an open wire lead, aerial, or underground cable terminal and the network interface.

Extension of Facilities

The placement of new exchange facilities to locations that have previously not been served.

Facility Point

A location designated by the Company that is at or near the aerial or underground cable terminal that is serving the customer.

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4. CONSTRUCTION CHARGES

4.1 DEFINITION OF TERMS (COND'T)

Nearest Point of Capacity

Facilities that are currently equipped and capable of providing local exchange service and are located within the same exchange as the customer where there is sufficient capacity to meet the needs of the customer.

Premises

See "Same Premises"

Same Building

Same building means a structure under one roof, or two or more structures under separate roofs, throughout which there is general access by means of doors, elevators, stairways, enclosed passageways, or continuous corridors. Sidewalks, driveways, heating and utility tunnels, pipes and conduits are not considered enclosed passageways.

Same Premises

All the space in the same building in which a customer has the right of occupancy to the exclusion of others or shares the right of occupancy with others; and all space in different buildings on continuous property, provided such buildings are occupied solely by one customer. Foyers, hallways and other spaces provided for the common use of all occupants of a building are considered the premises of the operator of the buildings.

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Issued: 9-27-2005

Effective: 9-28-2005

4. CONSTRUCTION CHARGES

4.2 GENERAL

A. Descriptions

Where facilities are not available, the following provisions apply to all services found in this Catalog unless otherwise stated or implied.

1. Reasonable rates and charges involve consideration of costs and the degree or risk associated with furnishing telephone service. Certain situations involve substantial extra cost or risk, e.g., (1) the facilities required will be temporary; (2) facilities are ordered in advance of actual customer demand for service; (3) excessive costs are involved in furnishing the service or facilities.
2. Where the facilities required to provide a requested service are not available, and in the opinion of the Company, the cost to provision service to a customer does not constitute a prudent investment, the customer may be required to pay: construction charges; carrying charges; termination charges; or agree to longer than normal initial service periods; or any combination(s) thereof. These charges or conditions would be in addition to regularly applicable rates, charges, and normal initial service periods stated in this Catalog, for the part of the equipment and facility costs that would not constitute a prudent investment.
3. Charges for service and facilities as provided for in Section 2 of this Catalog, shall be paid at the time agreement is made between the applicant and the Company to provide such service or when the bill is rendered. Any other payment arrangement must be mutually agreeable between the applicant and the Company.
4. Except as otherwise provided herein, the regulations in the Catalog are based on the premise that the type of construction required to provide the quantity and grade of telephone service involved will be determined by the Company. The applicant will be required to pay the added costs involved when a different type of construction than that proposed by the Company desired.
5. Where the applicant is so located that it is necessary or desirable to use private and/or government right-of-way to furnish service, such applicant may be required to provide or pay the cost of providing such right-of-way in addition to any other applicable charges.

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Issued: 9-27-2005

Effective: 9-28-2005

4. CONSTRUCTION CHARGES

4.2 GENERAL

A. Descriptions (Cont'd)

6. A developer must provide a legally sufficient easement to accommodate the placing and maintenance of the facilities throughout the development subdivisions (e.g., distribution cables plus terminal pedestals or like devices and access point cabinets). The surface of the easements area must be brought to final grade prior to the installation of buried or underground facilities. (C)
7. Applicants, who have executed contracts with the Company for placement of facilities but the construction had not yet begun by the effective date of this Catalog, will have the option of negotiating a mutually agreeable contract with the Company that may be a continuation of their contract or executing a new contract based on the provisions of this Catalog. (N)
8. The customer may request an engineering quote to be performed to establish an estimated construction charge. The Company will provide an engineering quote of the construction charges to the applicant at no fee for the first quote. All quotes are valid for three (3) months from the date they are presented to the customer. If subsequent quotes are requested, there will be a \$300.00 fee for each subsequent quote. The fee will be applied as a credit to the construction charge bill when the applicant notifies Qwest to begin construction within the three (3) month window described above. If the applicant does not accept the quotation, then the \$300.00 fee is retained by the Company.
9. All necessary construction will be undertaken at the discretion of the Company consistent with budgetary responsibilities and consideration for the impact on the general body of subscribers.
10. The Company may, at its discretion, modify its requirements and reduce or waive charges to allow the Company to respond to competition. (N)

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4. CONSTRUCTION CHARGES

4.2 GENERAL (CONT'D)

B. Terms and Conditions

1. Special construction charges apply (except where specified in other sections of this Catalog) when one or more of the following conditions exist:
 - a. The facilities to provide service are not available and at the request of the customer, the Company constructs facilities where there is no other requirement for the facilities and no expected future reuse by another customer.
 - b. At the request of the customer, the Company constructs facilities of a type or in a manner other than that which the Company would otherwise utilize to provide the facilities.
 - c. At the request of the customer, the Company constructs facilities on a route other than the route the Company would normally utilize or to reroute facilities already in place.
 - d. Facilities are not available and at the request of the customer, the Company expedites construction of facilities at a greater expense than would otherwise be incurred.
 - e. Facilities are not available and at the request of the customer, the Company constructs temporary facilities. "Temporary" is defined as any location where in the judgment of the Company, it is apparent the location is removable or the need for the facilities is for a limited time period.
2. Special construction charges are those estimated costs that are in excess of the costs that would be incurred under conditions other than those listed above. Costs include material, supplies, engineering, labor, supervision, transportation, rights-of-way and overhead for placing and removal of facilities and equipment less estimated net salvage and plant betterment.

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Effective: 9-28-2005

4. CONSTRUCTION CHARGES

4.2 GENERAL

B. Terms and Conditions (Cont'd)

3. The customer may furnish labor such as trenching and backfilling to reduce special construction charges. Where any portion of the construction is furnished by the customer, it must conform to the specification of the Company. All customer supplied construction shall be the responsibility of the customer, and the Company shall not be responsible for damages, injury, or harm arising out of or due to such customer construction, whether incurred by the customer or others. Upon completion of customer supplied construction, the facility shall be delivered to, owned by, and be maintained by the Company. The customer shall execute appropriate documentation to evidence and acknowledge the release of the Company, the responsibility of the customer, and the ownership of the customer supplied facility.
4. Application of special construction charges is variable and each situation must be judged on its individual circumstances.
5. Construction charges are payable at the time application for service is signed or when a bill is rendered, at the option of the Company.

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4. CONSTRUCTION CHARGES

4.3 CONSTRUCTION CHARGES

(N)

- A. Where the Company extends its facilities on public highways or on private property in order to furnish main station service (first local access line per premises) to an applicant or applicants in territory where telephone facilities are not in place, the Company will provide facilities for each applicant based on distance from the nearest available capacity.

(M)

The customer will be provided the first 400 feet beyond the nearest point of capacity at no charge. The 400 feet free allowance will apply on either private property or public rights-of-way. (The route established shall be determined by the Company.) Charges to the customer will begin at a point beginning immediately beyond the 400 feet allowance. The charge to provide service for the initial or first line to the premise will be \$1.25 per foot after the 400 feet allowance.

Requests for lines that exceed the initial or first line and where adequate capacity is not in place, the applicant shall be charged the actual cost.

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4. CONSTRUCTION CHARGES

4.4 PROVISIONING AGREEMENT FOR HOUSING DEVELOPMENTS

A. Description

A Provisioning Agreement for Housing Developments (PAHD) is a contractual arrangement between the Company and a Developer/Builder for the provision of facilities to and within new areas of residential development.

(C)

B. Terms and Conditions

1. A PAHD is required for the following:

(C)

a. Developments for the purpose of constructing single-family detached dwellings or two-family dwellings; multifamily dwellings; or a mix of single-family detached, two-family dwellings and multifamily dwellings.

(N)

b. Developments for mobile home lots that are individually owned. The Company will provide facilities to a post provided by the owner of the mobile home or mobile home park. The post shall meet the specifications of the Company.

c. RV parks platted for long-term residence. The Company will provide facilities to a post provided by the owner of the RV park. The post shall meet the specifications of the Company.

(N)

2. For the purpose of 4.4, a dwelling is any building or portion thereof which is designed or used exclusively for residential purposes. A single-family detached dwelling is designed for and occupied by not more than one (1) family. A two-family dwelling contains two (2) attached dwelling units, designed for and occupied by not more than two (2) families (also called a duplex). A multifamily dwelling is a dwelling containing three (3) or more dwelling units, designed for and occupied by an equal number of families.

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3. The following do not fall under the provisions of 4.4.

(C)

a. Developments containing less than four (4) single or two-family residential lots. These will be treated according to the terms set forth in 4.3.

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b. Marinas.

c. Mobile home parks, except as defined in 4.4.B.1.b.

d. RV parks, except as defined in 4.4.B.1.c.

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4. CONSTRUCTION CHARGES

4.4 PROVISIONING AGREEMENT FOR HOUSING DEVELOPMENTS

B. Terms and Conditions (Cont'd)

- 4. The PAHD will include, but is not limited to: a description of the development; a requirement that the Developer/Builder provide the Company with an addressed, recorded plat; trench and backfill requirements; conduit requirements; reasonable and necessary or otherwise mutually agreed upon requirements for easements, rights-of-way and other similar rights to access the property; surface grading requirements; target dates and inspection schedules; and charges to be paid by the Developer/Builder.
- 5. The terms and conditions of each PAHD may vary as appropriate and may include provisions that are different from or additional to those stated in 4.4.
- 6. Developer/Builders' Responsibilities and Charges
 - a. When a Developer/Builder requests that the Company construct facilities pursuant to a PAHD, the Developer/Builder will be required to disclose whether or not the Developer/Builder has an arrangement or agreement with another provider to provide communications facilities and services. If the Developer/Builder has entered into an arrangement or agreement with another provider, Qwest will not be obligated to place facilities to and within the development or enter into a PAHD with the Developer/Builder. The Company may agree to place facilities within the development under mutually agreeable terms and conditions.
 - b. If 4.4.B.6.a., preceding, does not apply, the following charges and responsibilities shall apply:
 - (1) The Developer/Builder will provide, without expense to the Company, trench and backfill based on the specifications provided by the Company for the facilities within the development. The Developer/Builder will also provide, as specified by the Company and without expense to the Company, conduit with adequate pull string for the service drop from the serving pedestal or property line to the dwelling. In areas where the Company has trench and backfill agreements with other utilities, the Developer/Builder is responsible for the Company's trench and backfill costs.

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4. CONSTRUCTION CHARGES

4.4 PROVISIONING AGREEMENT FOR HOUSING DEVELOPMENTS

B.6.b. (Cont'd)

- (2) The Developer/Builder shall provide at no cost to the Company a legally sufficient easement to accommodate the placing and maintenance of the facilities (e.g. distribution cables plus terminal pedestals or like devices and access point cabinets) throughout the development. The surface of the easements shall be brought to final grade prior to the installation of buried or underground facilities.
- (3) Where the Company deems it necessary or desirable to use private and/or government right-of-way to place facilities to and within the development, such Developer/Builder shall be required to provide or pay the cost of providing such right-of-way in addition to any other applicable charges. The route established shall be determined by the Company.
- (4) If in the opinion of the Company, construction to and within the development does not constitute a prudent investment, the Developer/Builder will assume that portion of the construction costs that exceed a prudent financial contribution by the Company. For the purpose of this section (4), construction costs are defined in 4.4.B.7., following.
- (5) The Developer/Builder may request an engineering quote to be performed to establish an estimated construction charge by the Company. For the purpose of 4.4, the Company will provide an engineering quote of the construction charges and an executable PAHD to the Developer/Builder for a fee of \$300.00. All quotes are valid for thirty (30) days from the date they are presented to the Developer/Builder. This fee is non-refundable.
- (6) All costs payable by the Developer/Builder shall be paid prior to the start of any construction.

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4. CONSTRUCTION CHARGES

4.4 PROVISIONING AGREEMENT FOR HOUSING DEVELOPMENTS

B. Terms and Conditions (Cont'd)

7. For the purpose of 4.4.B.6.b.(4), construction costs shall include all material, supplies, engineering, labor, supervision, transportation, and rights-of-way for placing and removal of distribution and feeder facilities, and all facilities necessary to provide service from the central office to and within the development, including but not limited to channel equipment, feeder, distribution, and drop facilities, and any applicable overhead, as determined by the Company. (C)
8. For the purpose of 4.4, facilities means feeder facilities and distribution facilities, including but not limited to the communications cable, wire, standard network interfaces, pedestals and terminals necessary to enable end-users to arrange to have communications services to their living unit activated in the future from a standard network interface, as well as any necessary structures including but not limited to communications conduit, sleeveings, service drop and pull strings. Title to all facilities placed by or for the benefit of Qwest to provide services to the development shall belong solely to Qwest. (C)(M)
9. Facilities covered in the PAHD cannot be used for subsequent developments until they are covered by a new PAHD. (N)
10. The Company shall not be required to provide facilities at the request of a Developer/Builder within new developments which meet any of the conditions listed in 4.4, absent the execution of PAHD.
11. To the extent that the terms and conditions in 4.4 or the PAHD conflict with any terms and conditions of any other section in this catalog, the terms and conditions set forth in 4.4, and/or the PAHD agreement shall control. (N)

4.4.2 DEVELOPER NON-PARTICIPATION

If a Developer/Builder does not enter into a PAHD, the Company, at its option, may accept requests for service from individual customers in the subdivision/development area as provided for in 4.3, preceding, if applicable. (M)

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4. CONSTRUCTION CHARGES

4.7 OTHER CONSTRUCTION OR CONDITIONS

(N)

A. Special Types of Charges

1. Where a special type of construction is desired by a customer, such as where underground construction is requested in locations where aerial construction would be regularly used, or where conditions imposed by the customer involved excessive costs, or where underground construction is legally required by ordinance, covenant, tract restriction or otherwise, the customer served by such facilities or the tract developer shall be required to pay the difference between the cost of the underground or other special type of construction and the average cost of construction normally used by the Company.
2. Where by ordinance or other legal requirements, existing aerial facilities are requested to be relocated underground in an area where the Company would not, except for such request, relocate its facilities underground, the Company may charge the cost of such relocation to the customers requesting the relocation of such facilities.
3. Construction, nonrecurring or installation charges in connection with special assemblies, special facilities and special finishes of equipment will be based on the costs involved in each individual case.

B. Temporary Construction

1. Where temporary construction is necessary to provide service, the applicant will be required to pay a construction charge equal to the estimated project specific labor and material costs of installing and removing the temporary construction.

C. Construction Under Unusual Conditions

1. Construction required to provide service outside of exchange areas will be subject to charges equal to the entire cost of the construction in addition to Foreign Exchange rates and charges described in the Access Service Price Schedule.
2. Charges in excess of costs of normal provisioning will be applied where, at the request of the customer, the Company constructs a greater quantity of facilities than that which the Company would otherwise construct or normally utilize.

(N)

4. CONSTRUCTION CHARGES

4.7 OTHER CONSTRUCTION OR CONDITIONS (CONT'D)

(N)

D. Underground Entrance Facilities Serving Nonresidential Buildings and Certain Residential Buildings on Continuous Property

The provision of underground facilities to serve nonresidential buildings and residential buildings, the first time service is established, with more than four living units including residential buildings being utilized as business establishments, shall be dependent upon the following conditions:

1. All underground Company wire and cable routes, entrance and/or tie facilities on private property shall be determined by the Company working with the building owner or his agent.
2. The owner shall furnish the Company with site plans showing building locations with sewer, water, gas and power routes.
3. Upon agreement to place underground communication facilities and compliance with these listed conditions, the Company shall furnish the owner a plan showing the location of proposed communication facility routes.
4. The owner shall provide reusable conduit, raceways, manholes, and handholes in place (size and number specifications to be determined by the Company) from the central distributing point at the buildings to the Company designated facility point (e.g., pedestal, pole and/or property line, etc.). Such conduit shall be in place and the surface of the ground area must be brought to final grade at least 30 days prior to the requested service date. (See 4.3.1, preceding.)
5. The Company shall select the location of the facility point. The location may or may not be the closest property line and will be determined based upon the owner's plans and existing or proposed facilities.
6. Notwithstanding the provision of the conduit, the building owner or the customer shall be liable for repairs to facilities damaged by their actions or that of their employees, contractors, or agents. Such liability shall also include the restoration of the damaged site to original condition (e.g., restoration of asphalt, sod, concrete, landscaping, etc.).
7. Where, in the opinion of the Company, it is necessary to secure a written easement for the protection of the underground facilities to the buildings, the property owner shall execute and deliver the easement in a form satisfactory to the Company.
8. The cost of any rearrangements and/or rerouting of existing facilities to the buildings along with the restoration of the site will be borne by the customer and/or property owner requesting same.

(N)

4. CONSTRUCTION CHARGES

4.7 OTHER CONSTRUCTION OR CONDITIONS (CONT'D)

(N)

E. Buried and/or Underground Communication facilities Serving Cluster and Mobile Homes

1. The provision of buried or underground communication facilities to serve cluster and mobile home complexes (single or multi-dwelling units which share in the ownership or use of common property) shall be dependent upon the following being made available to the Company.
 - a. A legally sufficient easement to accommodate the placing and maintaining of the common communication serving facilities (e.g. feeder and distribution cable, plus terminal pedestals or like device and access point cabinets). The surface of the easement area must be within six inches of final grade prior to the installation of buried or underground communication facilities.
 - b. Reusable raceways or conduit(s) for the exclusive use of the Company facilities between the pedestal terminal or like device located in the easement and the entrance location of the unit or, in the case of a multi-dwelling building, units in which service is to be provided, or termination locations of the network interface for each mobile home location.
 - c. Where in the opinion of the Company it is necessary, the provision of adequate trenches and backfill suitable for the Company facilities, including trenches and backfill for the facilities located between the pedestal terminal or like device in the easement and protectors or network interface located on or near the customer premises.
2. If the design of the development does not allow for reasonable and safe maintenance, repair, or replacement of facilities, as determined by the Company, the property owner will be required to open the trench(es) necessary for the Company to maintain, repair, or replace its facilities. If the property owner is not willing to open the trench(es), the Company may refuse to work on the property, or the property owner may be required to pay the additional cost for the Company to open the trenches in order to repair, maintain, or replace the facilities.
3. The property owner will be responsible for locating all privately owned facilities in the event the Company is required to repair, maintain, or replace its facilities.

(N)

4. CONSTRUCTION CHARGES

4.7 OTHER CONSTRUCTION OR CONDITIONS

E. Buried and/or Underground Communication facilities Serving Cluster and Mobile Homes (Cont'd)

4. When a trench and backfill is provided for other utilities and services, the Company shall use such common trench, to the extent possible consistent with reasonable design criteria, easements or scheduling. In those instances where use of a particular common trench is inconsistent with reasonable design criteria, easements or scheduling, the Company shall make all reasonable efforts to resolve any disputes or difference for the purpose of utilizing said common trench to the maximum extent possible.
5. In the event that the developer or owner of the subdivision or development requests the Company to provide the trench and backfill work or is unable to provide the trench and backfill work reasonably, or meet the agreed upon trench and backfill schedule, the Company shall provide such work at the developer or owner's expense not to exceed the Company's costs. This amount shall be nonrefundable.
6. If the Company and the property owner are not able to agree on the requirements as stated above, the Company may, at its option, terminate its facilities at one mutually agreeable location on the property (point of demarcation). Facilities on the property owner's side of the point of demarcation to each premise will be the responsibility of the property owner.

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