

Telecommunications Orders - Issued 1997

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

IN THE MATTER OF THE INTERCONNECTION CONTRACT NEGOTIATIONS BETWEEN AT&T COMMUNICATIONS OF THE MIDWEST, INC. AND U S WEST COMMUNICATIONS, INC. PURSUANT TO 47 U.S.C. SECTION 252)))	ORDER FOR AND NOTICE OF PROCEDURAL SCHEDULE TC96-184
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On November 20, 1996, the Public Utilities Commission (Commission) received a filing from AT&T Communications of the Midwest, Inc. (AT&T) pursuant to 47 U.S.C. § 252(b)(1) to arbitrate open issues related to its interconnection negotiations with U S WEST Communications, Inc. (U S WEST). U S WEST filed its response on December 16, 1996.

On January 10, 1997, the Commission issued an Amended Procedural Schedule; Order for and Notice of Hearing. In the Amended Procedural Schedule, the Commission scheduled a prehearing conference for January 13, 1997. The prehearing conference was held as scheduled.

On January 17, 1997, the Commission received a Joint Procedural Agreement submitted by U S WEST. In the Joint Procedural Agreement, U S WEST stated that AT&T had approved of the Agreement and that AT&T and U S WEST requested that the Commission adopt the proposed Agreement. The Agreement set forth the dates various witnesses would testify and the issues they would address. By Order dated January 22, 1997, the Commission adopted the Joint Procedural Agreement.

The hearing was held as scheduled on February 3, 1997, through February 7, 1997, in Pierre, South Dakota.

On February 26, 1997, AT&T and U S WEST each filed a Post-Hearing Brief and a Matrix of unresolved issues. On March 5, 1997, each party filed a Re al Brief and Findings of Fact and Conclusions of Law.

On March 17, 1997, the Commission rendered its oral decision on the unresolved issues in this docket. The Commission issued its written decision on March 20, 1997.

On April 21, 1997, U S WEST and AT&T filed separate proposed Interconnection Agreements. AT&T also filed a Motion for Reconsideration/Modification of Order. At an April 28, 1997, meeting, the Commission considered how to proceed. After taking arguments from the parties, the Commission decided to take AT&T's Motion for Reconsideration/Modification of Order under advisement. In addition, the Commission found that the separate proposed Interconnection Agreements filed by U S WEST and AT&T failed to comply with the Commission's Order which required AT&T and U S WEST

to submit a complete agreement to the Commission for approval within 30 days after the date of the Order. The Commission further found that the separate Interconnection Agreements failed to comply with the federal Telecommunications Act of 1996 (federal Act).

The Commission has jurisdiction over this matter pursuant to ARSD 20:10:01:29 to 20:10:01:30.02, inclusive, SDCL Chapters 1-26, 49-13, and 49-31, and the federal Act.

A May 2, 1997, meeting, the Commission again considered how to proceed in this matter. Commission counsel recommended that U S WEST be given until May 12, 1997, to file an answer to AT&T's Motion for Reconsideration/Modification of Order and that AT&T be allowed to reply on or before May 22, 1997. In addition, Commission counsel recommended that the Commission not order a new deadline for the parties to submit a single agreement signed by both parties until such time as the Commission had ruled on AT&T's Motion for Reconsideration/Modification of Order. U S WEST and AT&T did not object to this recommendation. The Commission voted 3-0 to follow this recommendation. It is therefore

ORDERED, that U S WEST shall file an answer to AT&T's Motion for Reconsideration/Modification of Order on or before May 12, 1997, and AT&T may reply on or before May 22, 1997; and it is

FURTHER ORDERED, that the Commission shall set a new deadline for the parties to submit a single agreement signed by both parties after it has entered a decision on AT&T's Motion for Reconsideration/Modification of Order.

Dated at Pierre, South Dakota, this 12th day of May, 1997.

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: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER,
Commissioner

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