

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

**IN THE MATTER OF THE JOINT FILING BY PAM OIL, INC.,) ORDER APPROVING
D.B.A. PAM COMMUNICATIONS AND U S WEST) NEGOTIATED
COMMUNICATIONS, INC. FOR APPROVAL OF THEIR) AGREEMENT
AGREEMENT FOR SERVICE RESALE)
TC96-190**

On December 2, 1996, the Public Utilities Commission (Commission) received a joint filing from PAM Oil, Inc., d.b.a PAM Communications (PAM) and U S WEST Communications, Inc. (U S WEST). In their joint filing, the parties requested Commission approval of their negotiated Agreement for Service Resale pursuant to 47 U.S.C. §§ 252(a)(1) and 252(e).

On December 5, 1996, the Commission electronically transmitted notice of this filing to interested individuals and entities. The notice stated that any person that wanted to comment on the parties' request for approval of the negotiated Agreement for Service Resale could do so by filing written comments with the Commission and the parties to the agreement no later than December 23, 1996. No written comments were filed.

Pursuant to the Commission's Order in TC96-082, on December 26, 1996, PAM filed a summarization of the main provisions of the agreement, including a statement as to why the agreement does not discriminate against non-party carriers and is consistent with the public interest, convenience and necessity. PAM summarized the agreement as follows:

1. Parties agree to act in good faith and consistently with the Telecommunications Act of 1996 (the Act), FCC Orders 1 and 2, and all state commissions.
2. Services available for 12% discounted resale are: Basic Exchange [Business] Telecommunications Service, Basic Exchange Switched Features and intraLATA toll, including PBX Trunks, ISDN, Frame Relay, CO Features, Listings. Certain other services are available for resale without discount, while other services are not available for resale. All services are for resale to business/commercial customers only.
3. USWC will provide services to PAM for resale that are equal in quality, and subject to the same conditions, provisioning intervals, etc., that USWC provides to others, including end users.
4. PAM will have authorization (Proof of Authorization/POA) from end users prior to securing any end user information from USWC or placing orders for end users.
5. PAM will act as the end users' authorized agent and negotiate all orders, repairs, requests, etc.,

with USWC.

6. PAM will have electronic access to available USWC's Operational Support Systems.
7. USWC will make available to PAM the terms and conditions of any other agreement for resale services, approved by a state commission under section 252 of the ACT, in that agreement's entirety.

PAM also asserted that the agreement does not discriminate against non-parties and that the agreement was in the public interest.

A December 31, 1996, meeting, the Commission considered whether to approve the negotiated Agreement for Service Resale between PAM and U S WEST. The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, and the federal Telecommunications Act of 1996. Upon review of the agreement, the Commission found that, as required by 47 U.S.C. § 252(e)(2)(A), the agreement does not discriminate against a telecommunications carrier not a party to the agreement nor is the implementation of this agreement not consistent with the public interest, convenience, and necessity. The Commission unanimously voted to approve the negotiated Agreement for Service Resale.

It is therefore

ORDERED, that pursuant to 47 U.S.C. § 252(e) the Commission approves the negotiated Agreement for Service Resale between PAM Oil, Inc., d.b.a PAM Communications and U S WEST Communications, Inc.

Dated at Pierre, South Dakota, this 6th day of January, 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:

KENNETH STOFFERAHN, Chairman

JAMES A. BURG, Commissioner

LASKA SCHOENFELDER,
Commissioner

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