

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

IN THE MATTER OF THE FILING BY U S WEST) COMMUNICATIONS, INC. FOR APPROVAL OF) TYPE 1 PAGING AGREEMENT BETWEEN U S) WEST COMMUNICATIONS, INC. AND KJAM) MOBILE PAGING)	ORDER APPROVING AGREEMENT TC97-079
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On June 16, 1997, U S WEST Communications, Inc. (U S WEST) filed for approval by the South Dakota Public Utilities Commission (Commission) of the Type 1 Paging Agreement between KJAM Mobile Paging (KJAM) and U S WEST.

On June 19, 1997, 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 July 7, 1997, to do so.

At its duly noticed September 9, 1997, meeting, the Commission considered whether to approve the agreement between U S WEST and KJAM.

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 the agreement should be revised to state that it shall be construed in accordance with the laws of the state of South Dakota. In accordance with 47 U.S.C. § 252(e)(2), the Commission found that with that revision, 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 subject to the condition that it is revised to state that it shall be construed in accordance with the laws of the state of South Dakota. It is therefore

ORDERED, that the Commission approves the agreement, subject to the condition that the agreement be revised to state that the agreement shall be construed in accordance with the laws of the state of South Dakota.

Dated at Pierre, South Dakota, this 11th day of September, 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: <u><i>Debra Kaelbo</i></u>
Date: <u>9/12/97</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner