

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

**IN THE MATTER OF THE PETITION FOR)
ARBITRATION ON BEHALF OF WESTERN)
WIRELESS CORPORATION WITH U S WEST)
COMMUNICATIONS, INC.)**

**ORDER APPROVING FIRST)
AMENDMENT TO AN)
ARBITRATED/NEGOTIATED)
AGREEMENT)**

TC96-160

On September 6, 1996, the Public Utilities Commission (Commission) received a Petition for Arbitration from Western Wireless Corporation, d/b/a Cellular One (Western Wireless). Western Wireless petitioned the Commission, pursuant to Section 252(b)(1) of the federal Telecommunications Act of 1996 (federal Act), to arbitrate open issues related to its interconnection negotiations with U S WEST Communications, Inc. (U S WEST). An arbitration hearing was held on November 26, 1996, and on December 24, 1996, the Commission issued its written decision. On January 23, 1997, the parties submitted their interconnection agreement and requested Commission approval pursuant to 47 U.S.C. section 252(e). The Commission entered Findings of Fact, Conclusions of Law, and an Order on February 21, 1997, which held, inter alia, that the agreement was consistent with the arbitration decision of the Commission and that it was approved pursuant to 47 U.S.C. section 252(e).

On December 12, 1997, the Commission received a first amendment to the agreement described above. At its regularly scheduled January 20, 1998, meeting, the Commission considered the approval of this first amendment. Commission staff recommended approval of the first amendment. The Commission unanimously voted to approve the first amendment to the arbitrated/negotiated agreement. Pursuant to § 252(e)(2)(A), the Commission finds that the amendment does not discriminate against a telecommunications carrier not a party to the amendment nor is the implementation of the amendment inconsistent with the public interest, convenience and necessity. It is therefore

ORDERED, that pursuant to 47 U.S.C. section 252(e) the Commission approves the first amendment to the arbitrated/negotiated Agreement for Service Resale between Western Wireless and U S WEST; the arbitrated/negotiated Agreement is originally dated September 5, 1996, and the revised version filed pursuant to Commission order is dated January 22, 1997. The first amendment is dated June 30, 1997.

Dated at Pierre, South Dakota, this 21st day of January, 1998.

CERTIFICATE OF SERVICE

BY ORDER OF THE COMMISSION:

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.

JAMES A. BURG, Chairman

By: _____

PAM NELSON, Commissioner

Date: _____

(OFFICIAL SEAL)

LASKA SCHOENFELDER,
Commissioner