BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING BY SOUTH DAKOTA INDEPENDENT TELEPHONE COALITION FOR APPROVAL OF RECIPROCAL TRANSPORT AND TERMINATION AGREEMENT BETWEEN COMMNET CELLULAR, INC. AND HEARTLAND COMMUNICATIONS, INC.	)	ORDER APPROVING AGREEMENT TC98-027

On February 6, 1998, the South Dakota Public Utilities Commission (Commission) received a filing from the South Dakota Independent Telephone Coalition (SDITC) seeking approval of a reciprocal transport and termination agreement between CommNet Cellular, Inc. and Heartland Communications, Inc., pursuant to 47 U.S.C. §§ 252(a)(1) and 252(e).

On February 12, 1998, 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 March 5, 1998, to do so. Parties to the agreement had until March 26, 1998, to file written responses to the comments. Commission staff filed its analysis and recommendation on March 24, 1998. SDITC filed its response on April 14, 1998. Staff's rebuttal was filed on April 17, 1998.

At its duly noticed April 22, 1998, meeting, the Commission considered whether to approve the negotiated agreement between CommNet Cellular and Heartland.

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 inconsistent with the public interest, convenience, and necessity. It is therefore

ORDERED, that pursuant to 47 U.S.C. § 252(e) the Commission approves the negotiated agreement.

Dated at Pierre, South Dakota, this 4th day of May, 1998.

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: Delaine Kolbo

Date: 5/5/98

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg

JAMES A. BURG, Chairman

Pam Nelson

PAM NELSON, Commissioner

Laska Schoenfelder

LASKA SCHOENFELDER, Commissioner