

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

IN THE MATTER OF THE FILING FOR ) APPROVAL OF A RESALE AGREEMENT ) BETWEEN U S WEST COMMUNICATIONS, ) INC. AND ESSENTIAL.COM )	ORDER DISAPPROVING AGREEMENT  TC00-060
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On March 28, 2000, the South Dakota Public Utilities Commission (Commission) received a filing from U S WEST Communications, Inc. (U S WEST) for approval of a negotiated resale agreement between U S WEST and essential.com (essential) pursuant to 47 U.S.C. §§ 252(a)(1) and 252(e).

On March 30, 2000, the Commission electronically transmitted notice of this filing to interested individuals and entities. The notice stated that any person wishing to intervene had until April 14, 2000, to do so. No interventions or comments were filed.

At its duly noticed September 13, 2000, meeting, the Commission considered whether to approve the interconnection agreement between U S WEST and essential.com. Commission Staff recommended not approving the agreement as essential did not have a certificate of authority to provide local service in South Dakota.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-81, and the Federal Telecommunications Act of 1996. Upon review of the agreement, the Commission found that pursuant to 47 U.S.C. § 252(e)(2)(A), the implementation of this agreement would be inconsistent with the public interest, convenience, and necessity. It is therefore

ORDERED, that pursuant to 47 U.S.C. § 252(e) and SDCL 49-31-81, the Commission does not approve the interconnection agreement which is the subject of this docket.

Dated at Pierre, South Dakota, this 19<sup>th</sup> day of September, 2000.

<b>CERTIFICATE OF SERVICE</b>
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>Dalvin Kelbo</i></u>
Date: <u>9/20/00</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