

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

RECEIVED

JAN 11 2001

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

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IN THE MATTER OF THE FILING
FOR APPROVAL OF A TYPE 2 WIRELESS
INTERCONNECTION AGREEMENT BETWEEN
QWEST CORPORATION AND WWC LICENSE,
LLC

TC00-145

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Transcript of Proceedings
January 4, 2001

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BEFORE THE PUBLIC UTILITIES COMMISSION,
JIM BURG, CHAIRMAN
PAM NELSON, VICE CHAIRMAN
LASKA SCHOENFELDER, COMMISSIONER

COMMISSION STAFF
Rolayne Ailts Wiest
Karen Cremer
Kelly Frazier
Leni Healy
Charlene Lund
Mary Giddings
Harlan Best
Dave Jacobsen
Michele Farris
Gregory A. Rislov
Heather Forney
Martin Bettmann
William Bullard Jr.
Sue Cichos

Reported By Cheri McComsey Wittler, RPR

PRECISION REPORTING
L I M I T E D

1 APPEARANCES

2 Greg Deen, SDITC
 3 R.H. Miller, South Dakota Electric Utility Cos.
 4 David A. Gerdes, Xcel, MDU, Worldcom
 5 Gordy Woods, SDIP
 6 Wade Reimers, SDIP
 7 Ed Anderson, SDREA
 8 Jim Wilcox, Xcel Energy
 9 Brad Schardin, Southeast Electric Corp.

6 APPEARANCE BY TELEPHONE

7 Sandy Hofstetter, AT&T
 8 Mary Tribby, AT&T
 9 Mary Lohnes, Midcontinent Cable
 10 Colleen Sevold, Qwest
 11 Tom Welk, Qwest
 12 Gene DeJordy, Western Wireless Corporation
 13 Robert Christenson, Christenson Law Office
 14 Dave Saville, Martin & Associates
 15 Reid Presson, ILD Telecommunications
 16 Alan Dietrich, NWPS
 17 Tom Hitchcock, NWPS
 18 Barb Berkenpas, McLeod USA

13 = = = = =

14 TRANSCRIPT OF PROCEEDINGS, held in the
 15 above-entitled matter, at the South Dakota State
 16 Capitol, Room 412, 500 East Capitol Avenue, Pierre,
 17 South Dakota, on the 4th day of January 2001,
 18 commencing at 1:30 p.m.

1 CHAIRMAN BURG: TC00-145, In the
2 matter of the filing for approval of a type 2
3 wireless Interconnection Agreement between Qwest
4 Corporation and WWC License, LLC. Today shall the
5 Commission approve the Interconnection Agreement.
6 Have you got that, Karen?

7 MS. CREMER: Yeah. I'll take that,
8 Mr. Chairman. Mr. DeJordy is on the phone and I
9 guess I had asked you this right before I came up
10 to the meeting and I'm not sure I got an answer.

11 So before I make a recommendation I would ask
12 if this Interconnection Agreement is to be used for
13 traffic that is terminated to or received from your
14 fixed wireless service. And did you ever give me
15 an answer on that?

16 MR. DEJORDY: I guess we haven't
17 fully discussed that. If the question is, you
18 know, could it be used -- could the Interconnection
19 Agreement be used to provide fixed wireless
20 services, I think the question then turns upon is
21 the fixed wire service a CRMS type service or is it
22 not.

23 And if it's a non-CMRS service, it would be a
24 violation of the agreement under Section B 211
25 where it says that the agreement essentially covers

1 wireless interconnection for CMRS carriers in
2 association with CMRS two-way traffic.

3 So I'm not sure if that answers your
4 question.

5 MS. CREMER: I'm not either. If we
6 were to strike -- you and I discussed this. If we
7 were to strike Parts C and D from what you have
8 filed, then I guess I would ask the question again,
9 would that agreement as it stands then -- would you
10 then -- could it be used for traffic that's
11 terminated to or received from your fixed wireless
12 service?

13 MR. DEJORDY: Excuse me. Parts C
14 and D?

15 MS. CREMER: Right. Didn't we
16 agree?

17 MR. DEJORDY: Yes. I have no
18 problem striking Parts C and D. If you look at
19 Parts C and D, Chairman and Commissioners, it
20 essentially says if a party wants to establish a
21 collocation arrangement under Part C or union type
22 arrangement under Part D, it would need to execute
23 an amendment to the agreement and that amendment to
24 the agreement would need to be filed with the
25 Commission and there would need to be approval by

1 the Commission of, you know, an amendment that
2 would govern collocation and UNEs.

3 To the extent that Part C and D gives the
4 Commission any concern, I would have no problem
5 with, you know, deleting those two sections.

6 MS. CREMER: Staff's recommendation
7 would be that you approve the agreement if you
8 strike Part C and D, but I think the Order needs to
9 be very clear that WWC License, LLC cannot provide
10 fixed wireless service unless they come back to
11 this Commission for a Certificate of Authority and
12 that the Order clearly state that the agreement is
13 for transport and termination of cellular
14 telecommunication traffic between WWC License, LLC
15 and Qwest.

16 My concern is just that, you know, if this is
17 truly just a transport and termination
18 Interconnection Agreement, then they should file
19 that type of Interconnection Agreement. And they
20 didn't here. And I think by striking Parts C and D
21 we're covered. But I think, you know, we make it
22 very clear in the Order.

23 COMMISSIONER SCHOENFELDER: Would
24 you have a problem with just deferring this until
25 you're definitive about what you're going to do?

1 MS. CREMER: The problem is the
2 90 days runs out today. And unless they would
3 agree to waive that 90 days -- and that's my
4 problem.

5 COMMISSIONER SCHOENFELDER: Thank
6 you.

7 MS. AILTS WIEST: I would recommend
8 approving it based on the striking of Parts C and
9 D.

10 CHAIRMAN BURG: And I understand,
11 but did your language that you're requesting in the
12 Order go beyond striking C and D?

13 MS. CREMER: In case there's
14 something in A, B, and E, and F that would allow
15 them to provide fixed wireless without coming to us
16 for a Certificate of Authority, until that issue
17 has been decided by the FCC or you guys or
18 whoever's going to ultimately decide it, I want it
19 clear that this Interconnection Agreement doesn't
20 allow them to provide that. I think by striking C
21 and D and E we do that.

22 MS. AILTS WIEST: I guess I would
23 prefer that we just strike C and D. The Commission
24 has not actually decided the whole issue on fixed
25 wireless. And I think in order to decide that

1 issue the Commission -- and it is before the FCC, I
2 know, in another form right now.

3 But it appears to be a factual type issue that
4 the Commission would probably need some sort of
5 evidence on. So I would feel more comfortable just
6 approving the agreement, and Mr. DeJordy has agreed
7 they would strike Parts C and D and leaving it at
8 that.

9 CHAIRMAN BURG: C and D in what?

10 MS. CREMER: In the Interconnection
11 Agreement that was originally filed.

12 CHAIRMAN BURG: Any other questions
13 or comments?

14 COMMISSIONER NELSON: I guess I
15 would so move as Rolayne requested, that we strike
16 C and D and the Interconnection Agreement as
17 proposed.

18 CHAIRMAN BURG: I'll second that.

19 COMMISSIONER SCHOENFELDER: I'll
20 concur.

21 CHAIRMAN BURG: TC00-145 has been
22 approved with the striking of Sections C and D in
23 the Interconnection Agreement.

24 MR. WELK: Mr. Chairman, this is
25 Tom Welk. In order to implement the Commission's

1 decision as well, does the Chairman strike that, or
2 do we need to resubmit another agreement? What is
3 the preference of Commission and Counsel?

4 MS. AILTS WIEST: It would probably
5 be preferable to submit another agreement after
6 this, but the Order will also state that it was
7 stricken.

8 MR. WELK: Okay with you,
9 Mr. DeJordy?

10 MR. DEJORDY: That's fine. From
11 what I understand, the agreement doesn't go through
12 this review process again. We're subject to, you
13 know, the staff or the Commission's review of C and
14 D in fact has been deleted?

15 MS. AILTS WIEST: Exactly.

16 MR. WELK: We'll have to resubmit an
17 agreement with those two sections gone.

18 MS. AILTS WIEST: Right.

19 CHAIRMAN BURG: You'll also clarify
20 that in the Order; correct?

21 MS. AILTS WIEST: Yeah. That will
22 be in the Order.

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STATE OF SOUTH DAKOTA)

:SS

CERTIFICATE

COUNTY OF HUGHES)

I, CHERI MCCOMSEY WITTLER, a Registered Professional Reporter and Notary Public in and for the State of South Dakota:

DO HEREBY CERTIFY that as the duly-appointed shorthand reporter, I took in shorthand the proceedings had in the above-entitled matter on the 4th day of January 2001, and that the attached is a true and correct transcription of the proceedings so taken.

Dated at Pierre, South Dakota this 11th day of January 2001.

Cheri M. Wittler
Cheri McComsey Wittler,
Notary Public and
Registered Professional Reporter

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

=====

IN THE MATTER OF THE FILING
FOR APPROVAL OF A FOURTH
AMENDMENT TO AN INTERCONNECTION TC00-180
AGREEMENT BETWEEN QWEST CORPORATION
AND MCLEODUSA TELECOMMUNICATIONS
SERVICES, INC.
=====

Transcript of Proceedings
January 4, 2001

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BEFORE THE PUBLIC UTILITIES COMMISSION,
JIM BURG, CHAIRMAN
PAM NELSON, VICE CHAIRMAN
LASKA SCHOENFELDER, COMMISSIONER

COMMISSION STAFF
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7 Ed Anderson, SDREA
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15 Reid Presson, ILD Telecommunications
16 Alan Dietrich, NWPS
17 Tom Hitchcock, NWPS
18 Barb Berkenpas, McLeod USA

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16 Capitol, Room 412, 500 East Capitol Avenue, Pierre,
17 South Dakota, on the 4th day of January 2001,
18 commencing at 1:30 p.m.

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1 CHAIRMAN BURG: TC00-180, In the
2 matter of the filing for approval of a fourth
3 amendment to the Interconnection Agreement between
4 Qwest Corporation and McLeod Telecommunications
5 Services, Incorporated. Today shall the Commission
6 approve the amendment to the Interconnection
7 Agreement.

8 McLeod requested the interconnection; is that
9 right?

10 MR. FRAZIER: Yes. This
11 interconnection appears to have been properly filed
12 under Administrative Rule 20:10:32:21. The
13 underlying Interconnection Agreement approved by
14 this Commission was TC99-057, which was approved
15 July 23 of 1999.

16 That original agreement obviously the
17 Commission had found that the Interconnection
18 Agreement was nondiscriminatory and that it was in
19 the public interest in that it intended to promote
20 competition.

21 My review of the notes, the application has
22 been executed properly. The agreement between the
23 parties, the laws of the State of South Dakota will
24 be applied to any disputes arising from the
25 Interconnection Agreement according to 20:10:32:21.

1 There has been a 20-day response period without
2 comment.

3 And on that basis, I would recommend approval
4 of the Interconnection Agreement.

5 CHAIRMAN BURG: Any other questions,
6 comments? If not, I will move then we approve the
7 amendment to the Interconnection Agreement at
8 TC00-180.

9 COMMISSIONER SCHOENFELDER: Second.
10 This is an amendment, though, and not an
11 Interconnection Agreement; right?

12 CHAIRMAN BURG: Amendment to
13 Interconnection Agreement, yes.

1 STATE OF SOUTH DAKOTA)

2 :SS

CERTIFICATE

3 COUNTY OF HUGHES)

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6 Professional Reporter and Notary Public in and for the
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13 Dated at Pierre, South Dakota this 11th day
14 of January 2001.

15
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17 Cheri M. Wittler
18 Cheri McComsey Wittler,
19 Notary Public and
20 Registered Professional Reporter
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THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

=====

IN THE MATTER OF THE FILING
FOR APPROVAL OF A FIRST
AMENDMENT TO AN INTERCONNECTION TC00-181
AGREEMENT BETWEEN QWEST
CORPORATION AND SPRINT
COMMUNICATIONS COMPANY, L.P.

=====

Transcript of Proceedings
January 4, 2001

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BEFORE THE PUBLIC UTILITIES COMMISSION,
JIM BURG, CHAIRMAN
PAM NELSON, VICE CHAIRMAN
LASKA SCHOENFELDER, COMMISSIONER

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Sue Cichos

Reported By Cheri McComsey Wittler, RPR

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1 CHAIRMAN BURG: TC00-181, In the
2 matter of filing of approval of a first amendment
3 to an Interconnection Agreement between Qwest
4 Corporation and Sprint Communications Company L.P.
5 Today shall the Commission approve the amendment to
6 the Interconnection Agreement. Kelly.

7 MR. FRAZIER: Yes. This application
8 for an amendment again was filed properly under
9 20:10:32:21. The original Interconnection
10 Agreement was approved by this Commission in
11 TC97-149 on 11-21 of '97. In that original
12 Interconnection Agreement it was found to be
13 nondiscriminatory and in the public interest.

14 I would note that though this has been
15 executed, there were a couple of blank lines under
16 Elizabeth Stamp's (phonetic) name where she didn't
17 print her name and title. I spoke with the
18 gentleman from Sprint who's on the line today.

19 MR. WELK: No. This is Tom Welk.

20 MR. FRAZIER: Did I speak with you
21 about this, Tom?

22 MR. WELK: Yes.

23 MR. FRAZIER: This had come up on
24 another matter where Elizabeth neglected to put the
25 information in, and she authorized someone to put

1 in her name and title.

2 Other than the fact her name and title isn't
3 typed on the execution, it appears to be properly
4 executed. I see no legal reasons why that wouldn't
5 be sufficient as far as an indication of the
6 agreement itself for the agreement.

7 The 20-day period has passed according to
8 20:10:32:21, and I would recommend approval of the
9 amendment.

10 CHAIRMAN BURG: Okay. Any comments
11 or questions for Kelly?

12 COMMISSIONER NELSON: I'd move the
13 Commission approve the amendment to the
14 Interconnection Agreement proposed in TC00-181.

15 COMMISSIONER SCHOENFELDER: Second.

16 CHAIRMAN BURG: Concur.

17 CHAIRMAN BURG: TC00-181 has been
18 approved.

1 STATE OF SOUTH DAKOTA)

2 :SS

CERTIFICATE

3 COUNTY OF HUGHES)

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15
16
17 *Cheri M. Wittler*

18 _____
Cheri McComsey Wittler,
19 Notary Public and
Registered Professional Reporter

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

=====

IN THE MATTER OF THE FILING
FOR APPROVAL OF A FIRST AMENDMENT
TO AN INTERCONNECTION AGREEMENT
BETWEEN QWEST CORPORATION AND
NEW EDGE NETWORK, INC. D/B/A NEW
EDGE NETWORKS

TC00-182

=====

Transcript of Proceedings
January 4, 2001

=====

BEFORE THE PUBLIC UTILITIES COMMISSION,
JIM BURG, CHAIRMAN
PAM NELSON, VICE CHAIRMAN
LASKA SCHOENFELDER, COMMISSIONER

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 16 Capitol, Room 412, 500 East Capitol Avenue, Pierre,
 17 South Dakota, on the 4th day of January 2001,
 18 commencing at 1:30 p.m.

1 CHAIRMAN BURG: TC00-182, In the
2 matter of the filing for approval of a first
3 amendment to an interconnection agreement between
4 Qwest Corporation and New Edge Network, Inc. doing
5 business as New Edge Networks. Kelly.

6 MR. FRAZIER: Yes. This one appears
7 to be properly filed. The original Interconnection
8 Agreement was approved by the Commission on 1-12-00
9 in TC99-109 where it was found to be
10 nondiscriminatory and in the public interest.

11 This one has been properly executed. The
12 20-day period has passed without comment. I would
13 recommend that the Commission approve the
14 amendment.

15 CHAIRMAN BURG: Any questions for
16 Kelly? If not, I'll move that we approve the
17 amendment to the Interconnection Agreement in
18 TC00-182.

19 COMMISSIONER NELSON: I'd second.

20 COMMISSIONER SCHOENFELDER: Concur.

21 CHAIRMAN BURG: The amendment to the
22 Interconnection Agreement has been approved in
23 TC00-182.
24
25

1 STATE OF SOUTH DAKOTA)

2 :SS

CERTIFICATE

3 COUNTY OF HUGHES)

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18 Cheri McComsey Wittler,
19 Notary Public and
Registered Professional Reporter

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

=====

IN THE MATTER OF THE FILING
FOR APPROVAL OF A FIRST AMENDMENT
TO AN INTERCONNECTION AGREEMENT
BETWEEN QWEST CORPORATION AND
NEWPATH HOLDINGS, INC. TC00-185

=====

Transcript of Proceedings
January 4, 2001

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BEFORE THE PUBLIC UTILITIES COMMISSION,
JIM BURG, CHAIRMAN
PAM NELSON, VICE CHAIRMAN
LASKA SCHOENFELDER, COMMISSIONER

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1 CHAIRMAN BURG: TC00-185, In the
2 matter of filing for approval of a first amendment
3 to an Interconnection Agreement between Qwest
4 Corporation and Newpath Holdings, Inc. Today shall
5 the Commission approve the amendment to the
6 Interconnection Agreement. Kelly.

7 MR. FRAZIER: Yes. I'm on kind of a
8 roll with these. The original Interconnection
9 Agreement was approved by this Commission in
10 TC00-099 on August 16 of 2000. It was found to be
11 nondiscriminatory, in the public interest.

12 I've checked the execution. It has been
13 properly executed, and the 20-day response period
14 has passed. And on that basis I would recommend
15 approval of the amendment.

16 CHAIRMAN BURG: Any questions for
17 Kelly? I will move that we approve the amendment
18 to the Interconnection Agreement in TC00-185.

19 COMMISSIONER SCHOENFELDER: Second.

20 COMMISSIONER NELSON: Concur.

21 CHAIRMAN BURG: The Interconnection
22 Agreement -- the amendment to the Interconnection
23 Agreement has been approved in TC00-185.
24
25

1 STATE OF SOUTH DAKOTA)

2 :SS

CERTIFICATE

3 COUNTY OF HUGHES)

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17 Cheri M. Wittler

18 Cheri McComsey Wittler,
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20 Registered Professional Reporter

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

=====

IN THE MATTER OF THE FILING
FOR APPROVAL OF SECOND AND THIRD
AMENDMENTS TO AN INTERCONNECTION
AGREEMENT BETWEEN QWEST CORPORATION
AND NEW EDGE NETWORK, INC. D/B/A
NEW EDGE NETWORKS

TC00-186

=====

Transcript of Proceedings
January 4, 2001

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LASKA SCHOENFELDER, COMMISSIONER

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 15 above-entitled matter, at the South Dakota State
 16 Capitol, Room 412, 500 East Capitol Avenue, Pierre,
 17 South Dakota, on the 4th day of January 2001,
 18 commencing at 1:30 p.m.

1 CHAIRMAN BURG: TC00-186, In the
2 matter of the filing for approval of the second and
3 third amendments to an Interconnection Agreement
4 between Qwest Corporation and New Edge Network,
5 Inc. doing business as New Edge Networks. And
6 today shall the Commission approve the amendment to
7 the Interconnection Agreement. Kelly.

8 MR. FRAZIER: Yes. Again, this
9 original Interconnection Agreement was approved by
10 the Commission on 12th of January 2000 in TC99-109.
11 I found it to be nondiscriminatory, in the public
12 interest, appears to be properly executed, and the
13 20-day period has passed, again, without any
14 comment from any other parties.

15 On that basis I'd recommend approval of the
16 amendments.

17 COMMISSIONER NELSON: I move
18 approval of the amendment to the Interconnection
19 Agreement proposed in TC00-186.

20 COMMISSIONER SCHOENFELDER: Second.

21 CHAIRMAN BURG: Concur. TC00-186
22 has been approved.
23
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25

1 STATE OF SOUTH DAKOTA)

2 :SS

CERTIFICATE

3 COUNTY OF HUGHES)

4
5 I, CHERI MCCOMSEY WITTLER, a Registered
6 Professional Reporter and Notary Public in and for the
7 State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed
9 shorthand reporter, I took in shorthand the proceedings
10 had in the above-entitled matter on the 4th day of
11 January 2001, and that the attached is a true and
12 correct transcription of the proceedings so taken.

13 Dated at Pierre, South Dakota this 11th day
14 of January 2001.

15
16
17 Cheri M. Wittler

18 Cheri McComsey Wittler,
19 Notary Public and
Registered Professional Reporter

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

=====

IN THE MATTER OF THE FILING
FOR APPROVAL OF A SECOND AMENDMENT
TO AN INTERCONNECTION AGREEMENT
BETWEEN QWEST CORPORATION AND
AT&T COMMUNICATIONS OF THE MIDWEST,
INC.

TC00-187

=====

Transcript of Proceedings
January 4, 2001

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BEFORE THE PUBLIC UTILITIES COMMISSION,
JIM BURG, CHAIRMAN
PAM NELSON, VICE CHAIRMAN
LASKA SCHOENFELDER, COMMISSIONER

COMMISSION STAFF
Rolayne Ailts Wiest
Karen Cremer
Kelly Frazier
Leni Healy
Charlene Lund
Mary Giddings
Harlan Best
Dave Jacobsen
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Gregory A. Rislov
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Martin Bettmann
William Bullard Jr.
Sue Cichos

Reported By Cheri McComsey Wittler, RPR

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APPEARANCES

Greg Deen, SDITC
R.H. Miller, South Dakota Electric Utility Cos.
David A. Gerdes, Xcel, MDU, Worldcom
Gordy Woods, SDIP
Wade Reimers, SDIP
Ed Anderson, SDREA
Jim Wilcox, Xcel Energy
Brad Schardin, Southeast Electric Corp.

APPEARANCE BY TELEPHONE

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Mary Tribby, AT&T
Mary Lohnes, Midcontinent Cable
Colleen Sevold, Qwest
Tom Welk, Qwest
Gene DeJordy, Western Wireless Corporation
Robert Christenson, Christenson Law Office
Dave Saville, Martin & Associates
Reid Presson, ILD Telecommunications
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Tom Hitchcock, NWPS
Barb Berkenpas, McLeod USA

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above-entitled matter, at the South Dakota State
Capitol, Room 412, 500 East Capitol Avenue, Pierre,
South Dakota, on the 4th day of January 2001,
commencing at 1:30 p.m.

1 CHAIRMAN BURG: TC00-187, In the
2 matter of the filing for approval of a second
3 amendment to an Interconnection Agreement between
4 Qwest Corporation and AT&T Communications of the
5 Midwest, Inc. Today shall the Commission approve
6 the amendments to the Interconnection Agreement.
7 Again, Kelly.

8 MR. FRAZIER: Yes. This
9 Interconnection Agreement was approved in TC96-184
10 by the Commission. This one too had been -- I
11 caught this one where the execution page wasn't
12 completely filled out.

13 I contacted the parties, and they did supply
14 me with a properly executed page as far as the
15 signatures and typed in names go. I could hand
16 that out for the completion of the file if the
17 Commission would like.

18 The 20-day period has passed. All parties
19 appear to be in agreement, and I would recommend
20 approval on that basis.

21 CHAIRMAN BURG: Any questions for
22 Kelly?

23 COMMISSIONER NELSON: I'd move
24 approval of the amendment to the Interconnection
25 Agreement in TC00-187.

COMMISSIONER SCHOENFELDER: Second.

CHAIRMAN BURG: I'll concur.

TC00-187 has been approved.

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STATE OF SOUTH DAKOTA)

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Dated at Pierre, South Dakota this 11th day of January 2001.

Cheri M. Wittler

Cheri McComsey Wittler,
Notary Public and
Registered Professional Reporter

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

=====

IN THE MATTER OF THE FILING
BY QWEST CORPORATION FOR APPROVAL TC00-191
OF ITS STATEMENT OF GENERALLY
AVAILABLE TERMS

=====

Transcript of Proceedings
January 4, 2001

=====

BEFORE THE PUBLIC UTILITIES COMMISSION,
JIM BURG, CHAIRMAN
PAM NELSON, VICE CHAIRMAN
LASKA SCHOENFELDER, COMMISSIONER

COMMISSION STAFF
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Reported By Cheri McComsey Wittler, RPR

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 16 Capitol, Room 412, 500 East Capitol Avenue, Pierre,
 17 South Dakota, on the 4th day of January 2001,
 18 commencing at 1:30 p.m.

1 CHAIRMAN BURG: TC00-191, In the
2 matter of the filing by Qwest Corporation for
3 approval of its statement of generally available
4 terms. Today how shall the Commission proceed on
5 this Docket? Do we need --

6 MS. AILTS WIEST: I asked that this
7 be put on. What I would like to do is hear from
8 the parties on how they will recommend that the
9 Commission proceed.

10 Qwest and AT&T have put in written comments
11 and so they can either state any further oral
12 comments, or we can go to the other parties who
13 have not given any comments. But I would start
14 with Qwest to see what they have to say.

15 CHAIRMAN BURG: Does anybody from
16 Qwest have comments on how we should proceed in
17 TC00-191?

18 MR. WELK: Mr. Chairman, this is
19 Tom Welk. As your general counsel indicated, we
20 have filed comments both with the filing of the
21 statement back in November and today, and
22 essentially what we request the Commission to do is
23 to allow the statement of general terms and
24 conditions to go into effect, then create a
25 procedural order to deal with that.

1 We have suggested that we wait until the end
2 of April until the other workshops in other states
3 have been completed, and hopefully any issues that
4 may exist may be resolved and then the Commission
5 will deal with an issue list.

6 It's clear under the Telecommunications Act,
7 and AT&T acknowledges it, that the Commission by
8 letting the statement go into effect does not
9 impair its ability to review and essentially the
10 reason why we think it's in the public (Inaudible)
11 to go and to let it be in effect --

12 There is two principal reasons. Collocation
13 deadlines that have been required to be in place by
14 the FCC, as we have stated. We need to have rules
15 in effect that are in the SGAT that has been filed.
16 And, secondly, other existing and new LECs will
17 have the opportunity when the statement goes into
18 effect to pick and chose and adopt the agreement
19 without having official Interconnection Agreement.

20 We think it's in the public interest to allow
21 it to go into effect and deal with the procedural
22 schedule that's consistent with the Commission and
23 AT&T and Qwest's schedules to review any issues
24 that may exist.

25 MS. AILTS WIEST: I did have one

1 question for you, Mr. Welk. In AT&T's comments one
2 of their recommendations was that if the Commission
3 does allow Qwest SGAT to go into effect without
4 approving or disapproving it, they stated the
5 Commission should undertake a review of it only
6 after Qwest files an actual 271 in South Dakota.

7 And I wanted to know Qwest's position on that.

8 MR. WELK: Thank you for the
9 question, General Counsel. We want to deal with
10 the SGAT issues separately. Our position is that
11 the SGATs are under review in other states as well.

12 And we want to deal with those issues now.
13 Our 271 application in South Dakota, there has not
14 been a precise date, but we're looking at sometime
15 in the last quarter, our third quarter, and in the
16 back of our minds is when we get to 271 we want to
17 deal with some of the performance issues and other
18 issues that exist on the checklist and we want the
19 SGAT issues to be determined in a separate
20 proceeding and then roll into the 271 rather than
21 wait and load all of this on the Commission at one
22 time.

23 MS. AILTS WIEST: Okay.

24 CHAIRMAN BURG: Okay. Mary, are you
25 representing AT&T?

1 MS. TRIBBY: I am, Mr. Chairman.

2 Thank you. AT&T has filed comments in this case.
3 AT&T's recommendation is that the Commission reject
4 the SGAT at this point in time.

5 The Commission if it's going to approve the
6 SGAT and say that it's compliant with the federal
7 act, would have to undertake a review and complete
8 that review within 60 days.

9 The other alternative it has is simply reject
10 the SGAT. At this point in time we think that's
11 appropriate because we think the SGAT is legally
12 deficient, and we've laid out a number of reasons
13 why in our briefing papers to the Commission.

14 We also believe that, as General Counsel
15 indicated, that the Commission should not undergo a
16 review of the SGAT until an actual application has
17 been filed. That will ensure that there is a
18 sufficiently current record and not a stale record
19 that exists on the SGAT.

20 Also, as Mr. Welk indicated, because the SGAT
21 is being reviewed in a number of other states, the
22 longer the Commission waits to start its review,
23 hopefully the more issues will be resolved.

24 With respect to the time of undertaking a
25 review of this, A, we think that you should wait,

1 as I said, until Qwest's filing of its actual
2 application. B, if you don't go that route, we
3 think that April is too soon. The other states --
4 Qwest indicates in its comments they want to wait
5 until most of the workshops have been completed in
6 other states.

7 Right now the workshops in Arizona go through
8 June. In Washington they go through August, and in
9 the multi-state they go at least through March or
10 April. In order to conserve resources and ensure
11 that as many issues have been dealt with as could
12 be, as Mr. Welk suggests in his papers, we think
13 you should wait at least until the end of the
14 summer to start that process if you do decide to
15 undertake an SGAT review prior to the actual
16 application being filed.

17 Let me address real quickly Mr. Welk's
18 comments about his two reasons why the SGAT should
19 go into effect. First of all, his argument that
20 the collocation deadline as set forth by the FCC
21 and reflected in the recently filed SGAT need to be
22 allowed to go into effect by January 21, actually
23 what the FCC said is that RBOC should file with
24 the State Commission any amendment necessary to
25 bring a tariff or SGAT into compliance with the

1 national standard.

2 That language suggests to me that that's only
3 if there is currently an SGAT or a tariff in effect
4 in the state that needs to be modified to reflect
5 the new intervals. It doesn't suggest that you
6 need to go forward now and approve a new document
7 that never existed in the state so that there are
8 some collocation intervals in the state where none
9 existed prior to today or prior to January 21.

10 Secondly, with respect to his argument that
11 the SGAT is a good tool for CLECs who don't
12 otherwise have an ICA, we've put it out in our
13 comments we think the SGAT is legally deficient.

14 We don't know of any CLEC in any state that
15 has chosen to operate under this unilateral
16 contract offered by US West. So we don't think
17 this needs to go into effect for that reason.
18 Thank you.

19 CHAIRMAN BURG: Thank you.

20 Barb Berkenpas, do you have anything to comment
21 from McLeod's standpoint?

22 MS. BERKENPAS: Yes, I do
23 Mr. Chairman. McLeod at this point has made a
24 decision we are going to remain neutral on this
25 issue.

1 CHAIRMAN BURG: Thank you.

2 Mary Lohnes, do you have anything from

3 Midcontinent?

4 MS. LOHNES: Midcontinent also

5 remains neutral.

6 CHAIRMAN BURG: You recommend the

7 Commission stay neutral too?

8 MS. AILTS WIEST: At this point the

9 60 days isn't up for another couple of weeks, and

10 we do have another Commission meeting in two weeks

11 so I put this on the agenda just to get the

12 parties' comments, and I don't think the Commission

13 needs to take any action. We'll put it back on the

14 agenda next meeting.

15 CHAIRMAN BURG: Thank you. We will

16 consider it at that time.

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STATE OF SOUTH DAKOTA)

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=====

IN THE MATTER OF THE FILING
FOR APPROVAL OF AN OPT-IN
INTERCONNECTION AGREEMENT
BETWEEN QWEST CORPORATION AND
NEW-CELL, INC. TC00-192

=====

Transcript of Proceedings
January 4, 2001

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BEFORE THE PUBLIC UTILITIES COMMISSION,
JIM BURG, CHAIRMAN
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LASKA SCHOENFELDER, COMMISSIONER

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 25 above-entitled matter, at the South Dakota State
 Capitol, Room 412, 500 East Capitol Avenue, Pierre,
 South Dakota, on the 4th day of January 2001,
 commencing at 1:30 p.m.

1 CHAIRMAN BURG: TC00-192, In the
2 matter of the filing for approval of an opt-in
3 interconnection agreement between Qwest Corporation
4 and New-Cell, Inc. Today shall the Commission
5 approve the proposed Interconnection Agreement.
6 Kelly.

7 MR. FRAZIER: Yes. Again, this one
8 was properly filed under 20:10:32:21, found to be
9 nondiscriminatory, and in the public interest. The
10 20-day response period has passed pursuant to
11 20:10:32:21.

12 The agreement appears to be properly executed.
13 All parties are in agreement. I would recommend
14 approval on that basis.

15 CHAIRMAN BURG: Any questions for
16 Kelly? I will move we approve the proposed
17 Interconnection Agreement in TC00-192.

18 COMMISSIONER NELSON: Second.

19 COMMISSIONER SCHOENFELDER: Concur.

20 CHAIRMAN BURG: TC00-192 has been
21 approved.
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STATE OF SOUTH DAKOTA)

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