

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

**IN THE MATTER OF THE INTERCONNECTION CONTRACT ) ORDER  
NEGOTIATIONS BETWEEN AT&T COMMUNICATIONS OF THE ) GRANTING  
MIDWEST, INC. AND U S WEST COMMUNICATIONS, INC. PURSUANT ) MOTION  
TO 47 U.S.C. SECTION 252 )  
 ) TC96-184  
 )**

On November 20, 1996, the Public Utilities Commission (Commission) received a filing from AT&T Communications of the Midwest, Inc. (AT&T) pursuant to 47 U.S.C. § 252(b)(1) to arbitrate open issues related to its interconnection negotiations with U S WEST Communications, Inc. (U S WEST). U S WEST filed its response on December 16, 1996.

On January 10, 1997, the Commission issued an Amended Procedural Schedule; Order for and Notice of Hearing. In the Amended Procedural Schedule, the Commission scheduled a prehearing conference for January 13, 1997. The prehearing conference was held as scheduled.

On January 17, 1997, the Commission received a Joint Procedural Agreement submitted by U S WEST. In the Joint Procedural Agreement, U S WEST stated that AT&T had approved of the Agreement and that AT&T and U S WEST requested that the Commission adopt the proposed Agreement. The Agreement set forth the dates various witnesses would testify and the issues they would address. By Order dated January 22, 1997, the Commission adopted the Joint Procedural Agreement.

The hearing was held as scheduled on February 3, 1997, through February 7, 1997, in Pierre, South Dakota.

On February 26, 1997, AT&T and U S WEST each filed a Post-Hearing Brief and a matrix of unresolved issues. On March 5, 1997, each party filed a Re al Brief and Findings of Fact and Conclusions of Law.

On March 17, 1997, the Commission rendered its oral decision on the unresolved issues in this docket. The Commission issued its written decision on March 20, 1997.

On April 21, 1997, U S WEST and AT&T filed separate proposed Interconnection Agreements. AT&T also filed a Motion for Reconsideration/Modification of Order. At an April 28, 1997, meeting, the Commission considered how to proceed. After taking arguments from the parties, the Commission decided to take AT&T's Motion for Reconsideration/Modification of Order under advisement. In addition, the Commission found that the separate proposed Interconnection Agreements filed by U S

WEST and AT&T failed to comply with the Commission's Order which required AT&T and U S WEST to submit a complete agreement to the Commission for approval within 30 days after the date of the Order. The Commission further found that the separate Interconnection Agreements failed to comply with the federal Telecommunications Act of 1996 (federal Act).

On May 12, 1997, the Commission issued a procedural schedule that gave U S WEST until May 12, 1997, to file an answer to AT&T's Motion for Reconsideration/Modification of Order and allowed AT&T to reply on or before May 22, 1997. The Commission further found that it would set a new deadline for the parties to submit a single agreement signed by both parties after it had entered a decision on AT&T's Motion for Reconsideration/Modification of Order.

By order dated August 13, 1997, the Commission granted in part and denied in part AT&T's Motion for Reconsideration/Modification of Order. The Commission also ordered AT&T and U S WEST to submit a complete interconnection agreement within 30 days.

On September 12, 1997, an agreement for network interconnection and service resale between AT&T and U S WEST was filed with the Commission. The agreement contained several disputed items that the parties requested be resolved by the Commission. AT&T requested a hearing on the disputed issues; U S WEST maintained that a hearing was not needed. On October 20, 1997, U S WEST filed a Motion for Administrative Notice of the Eighth Circuit Court Order dated October 14, 1997.

A October 28, 1997, meeting, the Commission considered whether any further hearing was needed to resolve the remaining disputed issues and also considered whether to grant U S WEST's Motion for Administrative Notice. At the meeting, AT&T asked for deferral of any evidentiary hearing pending further negotiations between U S WEST and AT&T concerning issues related to the combination of network elements as clarified by the Eighth Circuit's October 14, 1997, Order on Petitions for Rehearing. U S WEST agreed to deferral, pending further negotiations. The Commission agreed to defer action on resolution of the parties' unresolved issues. AT&T did not object to the Commission granting U S WEST's Motion for Administrative Notice. The Commission unanimously voted to grant the motion.

It is therefore

ORDERED, that U S WEST's Motion for Administrative Notice of the Eighth Circuit Court Order dated October 14, 1997, is granted.

Dated at Pierre, South Dakota, this 7th day of November, 1997.

**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.

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JAMES A. BURG, Chairman

By: \_\_\_\_\_

\_\_\_\_\_  
PAM NELSON, Commissioner

Date: \_\_\_\_\_

(OFFICIAL SEAL)

LASKA SCHOENFELDER,  
Commissioner

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