

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

IN THE MATTER OF THE FILING OF) ORDER APPROVING
WIRELESS INTERCONNECTION AGREEMENT) NEGOTIATED AGREEMENT
BETWEEN U S WEST COMMUNICATIONS,)
INC. AND COMMNET CELLULAR, INC.) TC97-044

On April 18, 1997, the South Dakota Public Utilities Commission (Commission) received a filing from CommNet Cellular, Inc. (CommNet) and U S WEST Communications, Inc. (U S WEST) regarding a contract entered into between the parties for a wireless interconnection agreement pursuant to 47 U.S.C. §§ 252(a)(1) and 252(e).

On April 24, 1997, 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 May 14, 1997, to do so. Parties to the agreement had until June 3, 1997, to file written responses to the comments. On June 26, 1997, Staff filed its analysis and recommendation.

At its duly noticed July 15, 1997, meeting, the Commission considered whether to approve the negotiated agreement between CommNet and U S WEST. The Commission considered Staff's analysis and recommendation.

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. The Commission voted to approve the negotiated agreement, subject to the condition that Paragraph XXII, R. on page 44 of the agreement be revised to state that the agreement shall be construed in accordance with the laws of the state of South Dakota. It is therefore

ORDERED, that pursuant to 47 U.S.C. § 252(e) the Commission approves the negotiated agreement, subject to the condition that Paragraph XXII, R. on page 44 of the agreement be revised to state that the agreement shall be construed in accordance with the laws of the state of South Dakota.

Dated at Pierre, South Dakota, this 17th day of July, 1997.

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: <u><i>Delaine Kelbo</i></u>
Date: <u>7/17/97</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

PAM NELSON, Commissioner
Dissenting