

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

**IN THE MATTER OF THE FILING OF WIRELESS  
INTERCONNECTION AGREEMENT BETWEEN U S  
WEST COMMUNICATIONS, INC. AND COMMNET  
CELLULAR, INC.**

) **ORDER APPROVING FIRST  
AMENDMENT TO A  
NEGOTIATED AGREEMENT**

) **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.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, and the Federal Telecommunications Act of 1996.

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. 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.

On December 12, 1997, the Commission received a first amendment to the agreement described above. At its regularly scheduled January 20, 1998, meeting, the Commission considered the approval of this first amendment. Commission staff recommended approval of the first amendment. The Commission unanimously voted to approve the first amendment to the negotiated agreement. Pursuant to § 252(e)(2) (A), the Commission finds that the amendment does not discriminate against a telecommunications carrier not a party to the amendment nor is the implementation of the amendment 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 first amendment to the negotiated agreement; the negotiated agreement is originally dated March 28, 1997, and the revised version filed pursuant to Commission order is dated July 21, 1997. The first amendment is dated July 10, 1997.

Dated at Pierre, South Dakota, this 21st day of January, 1998.

**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: \_\_\_\_\_

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LASKA SCHOENFELDER,  
Commissioner

(OFFICIAL SEAL)