

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

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| IN THE MATTER OF THE FILING OF TYPE 2) WIRELESS INTERCONNECTION AGREEMENT) BETWEEN U S WEST COMMUNICATIONS,) INC. AND RURAL CELLULAR CORPORATION) | ORDER APPROVING AGREEMENT TC98-096 |
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On May 11, 1998, the South Dakota Public Utilities Commission (Commission) received a filing from Rural Cellular Corporation (Rural Cellular) for approval of a negotiated Type 2 Wireless Interconnection Agreement between U S WEST Communications, Inc. and Rural Cellular pursuant to 47 U.S.C. §§ 252(a)(1) and 252(e).

On May 14, 1998, 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 June 3, 1998, to do so. Parties to the agreement had until June 22, 1998, to file written responses to the comments. No parties filed comments.

At its duly noticed July 23, 1998, meeting, the Commission considered whether to approve the interconnection agreement between U S WEST and Rural Cellular. Commission Staff recommended approval with two conditions. Those conditions are: That the parties amend their agreement, specifically the Controlling Law section, to have the agreement interpreted in accordance with the laws of the state of South Dakota and submit it to the Commission. That Rural Cellular complete the necessary forms and pay the South Dakota gross receipts tax pursuant to SDCL Chapter 49-1A.

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. It is therefore

ORDERED, that pursuant to 47 U.S.C. § 252(e) the Commission approves the interconnection agreement subject to Staff's two recommended conditions as stated above.

Dated at Pierre, South Dakota, this 5th day of August, 1998.

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| 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>Helaine Kalbs</i></u> |
| Date: <u>8/6/98</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