

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

IN THE MATTER OF THE FILING BY SOUTH )  
DAKOTA INDEPENDENT TELEPHONE )  
COALITION FOR APPROVAL OF )  
RECIPROCAL TRANSPORT AND )  
TERMINATION AGREEMENT BETWEEN )  
COMMNET CELLULAR, INC. AND TRI- )  
COUNTY TELCOM, INC. )

ORDER APPROVING  
AGREEMENT

TC98-117

On June 16, 1998, the South Dakota Public Utilities Commission (Commission) received a filing from the South Dakota Independent Telephone Coalition (SDITC) seeking approval of a reciprocal transport and termination agreement between CommNet Cellular, Inc. and Tri-County Telcom, Inc. (Tri-County) pursuant to 47 U.S.C. §§ 252(a)(1) and 252(e).

On June 18, 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 July 8, 1998, to do so. Parties to the agreement had until July 27, 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 negotiated agreement between CommNet Cellular and Tri-County. Commission Staff recommended approval.

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 negotiated agreement.

Dated at Pierre, South Dakota, this 5<sup>th</sup> day of August, 1998.

<b>CERTIFICATE OF SERVICE</b>
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 Kaeb</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