

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

**IN THE MATTER OF THE FILING BY U S WEST)
COMMUNICATIONS, INC. FOR APPROVAL OF)
AGREEMENT FOR SERVICE RESALE)
BETWEEN PREFERRED CARRIER SERVICES,)
INC. AND U S WEST COMMUNICATIONS, INC.)**

**ORDER DISAPPROVING
AGREEMENT**

TC98-202

On November 16, 1998, the South Dakota Public Utilities Commission (Commission) received a filing from U S WEST Communications, Inc. (U S WEST) for approval of a negotiated resale agreement between U S WEST and Preferred Carrier Services, Inc. (Preferred) pursuant to 47 U.S.C. §§ 252(a)(1) and 252(e).

On November 19, 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 December 11, 1998, to do so. Parties to the agreement had until January 4, 1999, to file written responses to the comments. No parties other than Commission staff filed comments.

At its duly noticed February 17, 1999, meeting, the Commission considered whether to approve the interconnection agreement between U S WEST and Preferred. Commission Staff recommended not approving the agreement as it did not contain a provision making it subject to South Dakota law and Preferred did not have a certificate of authority to provide local service in South Dakota. Staff's comments were filed on November 20, 1998, and were served upon both parties to the agreement.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-81, 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 implementation of this agreement would be inconsistent with the public interest, convenience, and necessity. It is therefore

ORDERED, that pursuant to 47 U.S.C. § 252(e) and 49-31-81, the Commission does not approve the interconnection agreement which is the subject of this docket.

Dated at Pierre, South Dakota, this 18th day of February, 1999.

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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>Alaine Kaelo</u> |
| Date: <u>2/18/99</u> |
| (OFFICIAL SEAL) |

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner