

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

IN THE MATTER OF THE FILING FOR)	ORDER APPROVING
APPROVAL OF AN AGREEMENT FOR LOCAL)	ADOPTION OF AGREEMENT
WIRELINE NETWORK INTERCONNECTION)	
AND SERVICE RESALE BETWEEN)	TC99-057
MCLEODUSA COMMUNICATIONS SERVICES,)	
INC. AND U S WEST COMMUNICATIONS, INC.)	

On May 26, 1999, U S WEST Communications, Inc.(U S WEST) and McLeodUSA Communications Services, Inc.(McLeod) filed a negotiated agreement for local wireline network interconnection and service resale with the South Dakota Public Utilities Commission (Commission).

On May 27, 1999, the Commission electronically transmitted notice of this filing to interested individuals and entities. The notice stated that any person wishing to comment on the agreement had until June 17, 1999, to do so. Commission staff filed a letter of inquiry to the parties asking for clarification of whether this was a petition for arbitration or a petition for approval of an interconnection agreement. U S WEST on July 7, 1999, through its attorney Alex M. Duarte indicated that U S WEST was withdrawing its filing. McLeod in correspondence from its attorney William A. Haas on July 8, 1999, indicated that this was an adoption of the approved interconnection agreement between U S WEST and AT&T pursuant to 47 U.S.C. Section 252(i). The agreement contained several "parked" issues which are yet to be resolved. Additional Comments were received from McLeod, U S WEST and Sprint Communications.

At its duly noticed July 13, 1999, meeting, the Commission considered what action to take in this matter. U S WEST and McLeod appeared through their respective attorneys. McLeod acknowledged that the "parked" issues are yet to be resolved, but that the remainder of the agreement was still desired by it. At this meeting, it was represented to the Commission that after McLeod had signed the agreement, U S WEST had added language on page 82 which was not contained in the agreement between U S WEST and AT&T which was proposed to be adopted in this docket.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, and the Federal Telecommunications Act of 1996, more specifically 47 U.S.C. Section 252(i). In accordance with 47 U.S.C. § 252(i), the Commission found that the agreement reached between U S WEST and AT&T is available to other telecommunications carriers and that McLeod may adopt the agreement and that certain "parked" issues are yet to be resolved. U S WEST would not be jeopardizing its position as to those parked issues by reason of McLeod's adoption of the U S WEST/AT&T agreement. The Commission voted to approve adoption of the agreement; Commissioner Schoenfelder dissented. It is therefore

ORDERED, that the Commission approves the adoption by McLeod of the agreement as negotiated between U S WEST and AT&T without any unilateral modification by U S WEST; and it is further

ORDERED, that U S WEST's positions on the "parked" issues contained in the adopted U S WEST/AT&T agreement shall not be altered by reason of the Commission's approval of the adoption of this agreement by McLeod; and it is further

ORDERED, that the docket be closed.

Dated at Pierre, South Dakota, this 23rd day of July, 1999.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u><i>Delaine Kalbo</i></u></p> <p>Date: <u>7/23/99</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner
dissenting