

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

**IN THE MATTER OF THE FILING FOR) ORDER DISAPPROVING
APPROVAL OF AN ADOPTION AGREEMENT) ADOPTION AGREEMENT
BETWEEN QWEST CORPORATION AND)
PREFERRED CARRIER SERVICES, INC.) TC01-077**

On June 27, 2001, the South Dakota Public Utilities Commission (Commission) received a filing from Qwest Corporation (Qwest) for approval of an adoption agreement between Qwest and Preferred Carrier Services, Inc. (Preferred) pursuant to 47 U.S.C. §§ 252(a)(1) and 252(e).

On June 28, 2001, 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 17, 2001, to do so. No comments were filed.

At its duly noticed February 5, 2002, meeting, the Commission considered whether to approve the adoption agreement between Qwest and Preferred. Commission Staff recommended not approving the adoption agreement as Preferred did not have a certificate of authority to provide local service in South Dakota.

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 adoption agreement, the Commission found that pursuant to 47 U.S.C. § 252(e)(2)(A), the implementation of this adoption 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 SDCL 49-31-81, the Commission does not approve the adoption agreement which is the subject of this docket.

Dated at Pierre, South Dakota, this 8th day of February, 2002.

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>Helaine Kolbo</u>
Date: <u>2/11/02</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Robert K. Sahr
ROBERT K. SAHR, Commissioner