

Telecommunications Orders - Issued 1999

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

IN THE MATTER OF THE PETITION FOR ARBITRATION ON BEHALF OF AT&T COMMUNICATIONS OF THE MIDWEST, IN. WITH U S WEST COMMUNICATIONS, INC.))))	ORDER APPROVING FIRST AMENDMENT TO AGREEMENT
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TC96-184

On October 21, 1999, U S WEST Communications, Inc. (U S WEST) filed for approval by the South Dakota Public Utilities Commission (Commission) of a first amendment to an interconnection agreement between AT&T Communications of the Midwest, Inc. (AT&T) and U S WEST. In the letter accompanying the first amendment U S WEST states that "[t]his is a negotiated Amendment which replaces, in it's [sic] entirety, Attachment 1, Section 2.2 of the Resale Rates and Charges section." The agreement is an arbitrated/negotiated agreement for local wireline network interconnection and service resale which was signed by U S WEST on January 11, 1999 and by AT&T on January 15, 1999. It was previously approved by the Commission in its Order in this docket on March 4, 1999.

On October 28, 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 parties' request for approval had until November 16, 1999, to do so. No comments were filed.

A duly noticed December 14, 1999, meeting, the Commission considered whether to approve the negotiated first amendment to the agreement between U S WEST and AT&T. Commission Staff recommended its approval.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, and the Federal Telecommunications Act of 1996. In accordance with 47 U.S.C. ' 252(e)(2), the Commission found that the first amendment does not discriminate against a telecommunications carrier that is not a party to the first amendment and the first amendment is consistent with the public interest, convenience, and necessity. The Commission unanimously voted to approve the first amendment to the agreement. It is therefore

ORDERED, that the Commission approves the negotiated first amendment to the agreement as described herein.

Dated at Pierre, South Dakota, this 21st day of December, 1999.

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: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner

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