

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

<b>IN THE MATTER OF THE FILING BY U S WEST COMMUNICATIONS, INC. FOR APPROVAL OF RESALE AGREEMENT BETWEEN U S WEST COMMUNICATIONS, INC. AND TEL WEST COMMUNICATIONS, L.L.C.</b>	) ) ) ) )	<b>ORDER DISAPPROVING AGREEMENT</b>  <b>TC99-002</b>
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On January 6, 1999, 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 Tel West Communications, L.L.C. (Tel West) pursuant to 47 U.S.C. " 252(a)(1) and 252(e).

On January 7, 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 January 29, 1999 to do so. Parties to the agreement had until February 9, 1999, to file written responses to the comments. No parties filed comments.

At its duly noticed August 17, 1999, meeting, the Commission considered whether to approve the interconnection agreement between U S WEST and Tel West. Commission Staff recommended not approving the agreement as Tel West 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 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 26th day of August, 1999.

<p style="text-align: center;"><b>CERTIFICATE OF SERVICE</b></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: _____</p> <p>Date: _____</p> <p style="text-align: center;">(OFFICIAL SEAL)</p>	<p><b>BY ORDER OF THE COMMISSION:</b></p> <p style="text-align: center;">_____ JAMES A. BURG, Chairman</p> <p style="text-align: center;">_____ PAM NELSON, Commissioner</p> <p style="text-align: center;">_____ LASKA SCHOENFELDER, Commissioner</p>
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