

Service Date: February 19, 1998

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER OF the Application of)	UTILITY DIVISION
U S WEST Communications, Inc. for Approval)	
of the Agreement Between CommNet Cellular, Inc.)	DOCKET NO. D97.4.64
and U S WEST Communications, Inc., Pursuant)	
to Section 252(e) of the Telecommunications)	
Act of 1996.)	ORDER NO. 5996a

ORDER APPROVING AMENDMENT TO INTERCONNECTION AGREEMENT

CommNet Cellular, Inc. (CommNet) and U S WEST Communications, Inc. (U S WEST) submitted their wireless interconnection agreement to the Montana Public Service Commission (Commission) for approval as required by § 252(e) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (to be codified as amended in scattered sections of 47 U.S.C.) (the "1996 Act"). That Agreement adopted the Montana Wireless Interconnection Agreement executed by U S WEST and Western Wireless Corporation and previously approved by the Commission. The Commission approved the CommNet agreement in Order No. 5996 dated August 11, 1997.

U S WEST subsequently lowered the rates for nonrecurring charges for trunk routing changes from that of charging on a per trunk basis to charging on a per trunk group basis effective with the date of the new wireless interconnection agreement, pending approval by the Commission. CommNet accepted the new rate by signing a "concurrence letter" provided by U S WEST to be filed with the Commission. On December 12, 1997, U S WEST filed this letter and a revised attachment containing the lower non-recurring charge.

Section 252(e)(2)(A) of the 1996 Act prescribes the grounds for rejection of a negotiated agreement or portion of an agreement. The Commission may only reject such if it discriminates

against a telecommunications carrier not a party to the agreement or the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.

The Commission concludes that the lowering of the non-recurring charge described above is consistent with the public interest, convenience, and necessity.

On its face, the amendment does not discriminate against carriers who are not parties to this agreement. On the same day it filed this amendment, U S WEST filed the same amendment to the Western Wireless Corporation agreement. The wireless interconnection agreement between U S WEST and Western Wireless Corporation has been changed to reflect the same change as included in the CommNet amendment. Western Wireless Corporation's wireless agreement has been adopted by other wireless telecommunications providers operating in Montana, including CommNet Cellular, Inc., Montana Wireless, Inc., and 3 Rivers PCS, Inc. The agreements between Montana Wireless, Inc. and U S WEST and 3 Rivers PCS, Inc. and U S WEST were executed after Western and CommNet agreed to U S WEST's proposed lower rate and both include the lower rate. Therefore, the Commission concludes that the amendment does not discriminate against carriers who are not parties to their agreement and should be approved.

THEREFORE, based on the foregoing, IT IS ORDERED that the first amendment to the wireless interconnection agreement between U S WEST and CommNet, is APPROVED.

DONE AND DATED this 17th day of February, 1998, by a vote of 4-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chairman

NANCY MCCAFFREE, Vice Chair

BOB ANDERSON, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.