

Service Date: June 10, 1997

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

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IN THE MATTER OF Sprint	)	UTILITY DIVISION
Communications Company L.P.'s	)	
Petition for Arbitration of Interconnection	)	
Rates, Terms, Conditions and Related	)	DOCKET NO. D97.4.77
Arrangements with U S WEST	)	
Communications, Inc. Pursuant to	)	ORDER NO. 5984
47 U.S.C. Section 252.	)	

ORDER CLOSING DOCKET

Sprint Communications Company, L.P. (Sprint) filed a petition on April 25, 1997 for the Montana Public Service Commission (Commission) to arbitrate matters relating to its interconnection negotiations with U S WEST Communications, Inc. (U S WEST). The companies have since resolved the open issues and Sprint has filed a Motion to Withdraw its request for arbitration with the Montana Public Service Commission. The parties have filed a Stipulation and Agreement evidencing that resolution.

The Stipulation and Agreement notes that the parties agree that their resources and those of the Commission "should not be called upon needlessly for arbitration of issues which have been addressed in the arbitration between U S WEST and AT&T Communications of the Mountain States, Inc." *See* Arbitration Decision and Order, Order No. 5961b, Docket No. D96.11.200 (March 20, 1997). The parties have stipulated that they will incorporate the Commission's decisions from the prior arbitration in their interconnection agreement, to be modified according to any changes on reconsideration or judicial review. Issues not addressed in

Order No. 5961b, but identified as arbitration issues are resolved as follows: (1) the parties have determined that the issue concerning the features and functions included in unbundled switching is governed by a prior agreement on pricing issues and need not be addressed separately; (2) the issue regarding switched access charges for ported numbers will be resolved by incorporating the language or provisions approved or ordered by the Commission for the AT&T/U S WEST agreement, or if the agreement does not address the issue, will provide for the subsequent incorporation; and (3) the interconnection agreement shall provide that the provisions regarding all the issues shall be modified based on any final regulatory or judicial decision or order arising from reconsideration, rehearing or judicial review of the arbitration decisions in Docket No. D96.11.200, and on any final decision arising from the U. S. Court of Appeals for the Eighth Circuit review of the FCC's First Report and Order in CC Docket Nos. 95-185 and 96-98 (rel. Aug. 8, 1996) which affects the AT&T/U S WEST arbitration decisions.

Sprint and U S WEST have further agreed to file an executed interconnection agreement with the Commission within 60 days of the approved withdrawal of the Petition for Arbitration. We agree that withdrawal of Sprint's Petition for Arbitration is in the public interest because needless expenditure of resources by both parties and the Commission will be avoided and the public interest will not be served by continuation of the proceeding.

Therefore, it is ORDERED that Sprint's Motion for Withdrawal is granted, and it is further ORDERED that the above docket is closed and may be deleted from case management.

DONE AND DATED this 28th day of May, 1997 by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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DAVE FISHER, Chairman

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NANCY MCCAFFREE, Vice Chair

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BOB ANDERSON, Commissioner

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DANNY OBERG, Commissioner

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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.