

Service Date: September 19, 1997

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

* * * * *

IN THE MATTER of the Application of)
HAVRE ANSWERING SERVICE and) UTILITY DIVISION
U S WEST COMMUNICATIONS, INC.,)
Pursuant to Section 252(e) of the) DOCKET NO. D97.6.105
Telecommunications Act of 1996 for)
Approval of their Interconnection) ORDER NO. 6009
Agreement.)

FINAL ORDER

Introduction and Procedural Background

1. U S WEST Communications, Inc. (U S WEST) entered into a negotiated interconnection agreement with Beaverhead Electronics for Havre Answering Service's interconnection with U S WEST and their exchange of traffic for licensed, narrowband radio carried only in unspecified areas presently served by U S WEST. This Type 1 Paging Agreement is for the interchange of traffic between the parties' systems, and does not involve either party providing the services of the other.

2. U S WEST filed the parties' agreement, entitled "Type 1 Paging Agreement" (Agreement), with the Montana Public Service Commission (commission) for approval on June 16, 1997, pursuant to the Telecommunications Act of 1996 (1996 Act) requiring Commission approval prior to implementation pursuant to 47 U.S.C. • 252(e). The Agreement was docketed as D97.6.105.

Findings of Fact

3. Havre Answering Service is licensed by the FCC to provide paging services in Montana. U S WEST Communications, Inc. is a Colorado corporation which provides telecommunications services in Montana and 13 other states. The parties negotiated an interconnection agreement to exchange traffic between their systems. The agreement covers unspecified areas of U S WEST's Montana service area.

4. Approval of interconnection agreements by the Commission is subject to the requirements of federal law as set forth in 47 U.S.C. • 252. Section 252(e) (4) requires the Commission to approve or reject the U S WEST/Beaverhead Electronics Agreement or portions of the agreement within 90 days of the date of submission to the Commission. The Commission must issue its decision by September 15, 1997, or the agreement will be deemed approved. 47 U.S.C. • 252(e)(4).

5. Section 252(e)(2)(A) of the Act provides that the Commission may reject a negotiated interconnection agreement--or any portion of the agreement--only by determining that (1) the agreement of portion of the agreement discriminates against a telecommunications carrier that is not a party to the agreement; or (2) the implementation of the

agreement or portion is not consistent with the public interest, convenience and necessity. The Commission has reviewed the agreement and concludes that it meets these standards.

6. The Commission has received no comments on the proposed agreement in response to the notice issued and no requests for intervention or a hearing. This, along with the Commission's independent review of the agreement, supports the Commission's conclusion that the agreement should be approved.

Conclusions of Law

7. The Commission has authority to supervise, regulate and control public utilities. Section 69-3-102, MCA. U S WEST is a public utility offering regulated telecommunications services in the State of Montana. Section 69-3-101, MCA.

8. The Commission has authority to do all things necessary and convenient in the exercise of the powers granted to it by the Montana Legislature and to regulate the mode and manner of all investigations and hearings of public utilities and other parties before it. Section 69-3-103, MCA.

9. The Commission properly exercises jurisdiction in this Docket pursuant to Title 69, Chapter 3, MCA. The Commission approval of the parties' negotiated paging agreement must comply with • 252(e)(2)(B) of the 1996 Act.

10. Section 252(e)(4) of the Act provides that a negotiated agreement (or portion thereof) submitted for a state commission's approval must be approved or rejected within 90 days or it will be deemed approved. Thus, the Commission must approve or reject the Agreement by September 15, 1997.

11. The Commission's Notice of Application for Approval of Interconnection Agreement and Notice of Opportunity to Intervene and Comment provided adequate public notice and an opportunity to be heard to all interested parties in this docket, as required by the Montana Administrative Procedure Act, Title 2, Chapter 4, MCA.

Order

THEREFORE, based on the foregoing, it is ORDERED that the interconnection agreement of the parties is approved.

DONE AND DATED this 15th day of September, 1997, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chairman

NANCY MCCAFFREE, Vice Chair

BOB ANDERSON, Commissioner

DANNY OBERG, 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.