BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING FOR APPROVAL OF A RESALE AGREEMENT BETWEEN QWEST CORPORATION AND DIGITAL TELECOMMUNICATIONS, INC.	))))	ORDER DISAPPROVING AGREEMENT TC01-030

On March 26, 2001, the South Dakota Public Utilities Commission (Commission) received a filing from Qwest Corporation (Qwest) for approval of a negotiated resale agreement between Qwest and Digital Telecommunications, Inc. (Digital) pursuant to 47 U.S.C. §§ 252(a)(1) and 252(e).

On March 29, 2001, 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 April 16, 2001, to do so. No comments were filed.

At its duly noticed July 10, 2001, meeting, the Commission considered whether to approve the resale agreement between U S WEST and Digital. Commission Staff recommended not approving the agreement as Digital 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 pursuant to 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 SDCL 49-31-81, the Commission does not approve the resale agreement which is the subject of this docket.

Dated at Pierre, South Dakota, this _12th_ day of July, 2001.

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner