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4-15-99

SS# 16565

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Interconnection)
Agreement Between U.S. WEST)
COMMUNICATIONS, INC., and)
JATO COMMUNICATIONS CORP.)

DOCKET NO. 98-049-38

REPORT AND ORDER

ISSUED: April 15, 1999

SYNOPSIS

The parties to the Agreement which is the subject of this proceeding having submitted the same for Commission approval; and the Agreement appearing to conform to the requirements of § 252(e)(1) of the Federal Telecommunications Act of 1996 and applicable Federal Communications Commission regulations; and the Agreement appearing to conform to applicable Utah law and Commission Regulations; and approval of the Agreement appearing to be in the public interest, the Commission approved the Agreement, subject to possible modification pending the outcomes in related dockets involving the same subject matter.

By The Commission:

PROCEDURAL HISTORY

U.S. WEST COMMUNICATIONS, INC., and JATO COMMUNICATIONS CORP., entered into an interconnection and/or resale Agreement (hereafter "the Agreement") dated November 12, 1998. The parties filed the Agreement with the Commission November 24, 1998, for review and approval in accordance with 47 USC 229 § 252(e)(1), a part of the Federal Telecommunications Act of 1996, (hereafter "the Act"). The Administrative Law Judge, having reviewed said Agreement and having been fully advised in the matter, now enters the following Report, containing proposed Findings of Fact, Conclusions of Law, and the Order based thereon.

FINDINGS OF FACT

1. The instant Agreement does not discriminate against any telecommunication carrier not a party to it.
2. The Agreement comports with the Act's § 251, and with currently effective Federal Communications Commission (FCC) regulations.
3. The Agreement comports with applicable Utah law and this Commission's rules.
4. The United States Congress and the Utah Legislature having established the fostering of competition in the telecommunications industry as sound public policy, the Agreement is in the public interest, since it comports with such policy.
5. The Division of Public Utilities, Utah Department of Commerce, recommends approval of the Agreement, subject to possible later modification as set forth below.

CONCLUSIONS OF LAW

The Commission has pending before it a petition for reconsideration in Docket No. 94-999-01, a rulemaking proceeding which could impact the Agreement here at issue. Likewise, the Commission has pending Docket No. 96-049-15, a case involving Commission interpretation of 47 USC § 252(c)(1) and (2). The Commission deems resolution of those issues in the other dockets unnecessary for approval of the instant Agreement, subject to possible later modification based on such resolution. The Agreement should be approved now as meeting the requirements of 47 USC § 252(e)(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

DOCKET NO. 98-049-38

-3-

- The Resale/Interconnection Agreement between U.S. WEST COMMUNICATIONS, INC., and JATO COMMUNICATIONS CORP., dated November 12, 1998, be and it hereby is, approved in conformance with 47 USC § 252(e)(1), subject to possible subsequent Commission Order requiring modification.

- Any person aggrieved by this Order may petition the Commission for review within 20 days of the date of this Order. Failure so to do will forfeit the right to appeal to the Utah Supreme Court.

DATED at Salt Lake City, Utah, this 15th day of April, 1999.

/s/ A. Robert Thurman
Administrative Law Judge

Approved and Confirmed this 15th day of April, 1999, as the Report and Order of the Public Service Commission of Utah.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary