- BEFORE THE PUB	LIC SERVICE (
In the Matter of the Negotiated Interconnection Agreement Between U.S. WEST COMMUNICATIONS, INC., and WINSTAR WIRELESS, INC.,)	DOCKET NO. 99-049-31
)	REPORT AND ORDER
		ISSUED: August 26, 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 inrelated dockets involving the same subject matter.

By the Commission:

PROCEDURAL HISTORY

U.S. WEST COMMUNICATIONS, INC., and WINSTAR WIRELESS, INC., entered into an interconnection agreement (hereafter "the Agreement") dated June 30, 1999. The parties filed the Agreement with the Commission July 20, 1999, for review and approval in accordance with 47 USC 229 § 252(e)(1), a part of the Federal Telecommunications Act of 1996 (hereafter "theAct"). 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. By its terms, the Agreement adopts provisions from other similar agreements arbitrated before this Commission, which agreements we have alsready approved. Accordingly, we find 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:

The Interconnection agreement between U.S. WEST COMMUNICATIONS, INC., and WINSTAR WIRELESS, INC., dated June 30, 1999, 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 26th day of August, 1999.

/s/ A. Robert Thurman

Administrative Law Judge

Approved and Confirmed this 26th day of August, 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