

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

UNITED STATES TELECOM ASSOCIATION,)
)
Petitioner,)
)
v.)
)
FEDERAL COMMUNICATIONS)
COMMISSION and THE UNITED STATES)
OF AMERICA,)
)
Respondents.)

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DEC 27 2002

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

No. 00-1428

STATUS REPORT

The Federal Communications Commission files this status report pursuant to the Court's order dated December 10, 2002. In that order, the Court granted the motion of Petitioner United States Telecom Association to require the Commission to submit a more detailed status report with regard to the agency's reconsideration of the challenged *South Dakota Declaratory Ruling*.^{*} The Commission's litigation counsel has consulted with the operating bureau that is responsible for the pending reconsideration proceeding. The bureau's staff reports that an order on reconsideration resolving the two pending petitions for reconsideration in their entirety has been drafted and is currently being circulated within the agency to the appropriate senior staff for review and comment. A

^{*} *Federal-State Joint Board on Universal Service; Western Wireless Corporation Petition for Preemption of an Order of the South Dakota Public Utilities Commission*, CC Docket No. 96-45, Declaratory Ruling, 15 FCC Rcd 15168 (2000) ("*South Dakota Declaratory Ruling*").

revised draft is expected to be presented to the FCC Commissioners near the end of January. The agency expects to issue a final order in early 2003. The Commission's litigation counsel will promptly inform the Court and the parties when the reconsideration proceeding is completed.

Respectfully submitted,

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for John E. Ingle

John E. Ingle
Deputy Associate General Counsel

Lisa E. Boehley

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Counsel

Federal Communications Commission
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December 23, 2002

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

United States Telecom Association, Petitioner,

v.

Federal Communications Commission and USA, Respondents.

Certificate Of Service

I, Sharon D. Freeman, hereby certify that the foregoing "Status Report" was served this 23rd day of December, 2002, by mailing true copies thereof, postage prepaid, to the following persons at the addresses listed below:

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A handwritten signature in cursive script, appearing to read "Sharon D. Freeman", written in black ink over a horizontal line.

Sharon D. Freeman