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March 26, 2004

Karen Cremer  
South Dakota Public Utilities Commission  
Capitol Building, First Floor  
500 E. Capitol Avenue  
Pierre, South Dakota 57501-5070

Thomas J. Welk  
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P.O. Box 5015  
Sioux Falls, SD 57717-5015

Tim Goodwin  
Qwest Services Corporation  
1801 California Street 47<sup>th</sup> Floor  
Denver, CO 80202

**RECEIVED**  
MAR 29 2004  
SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

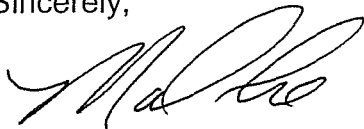
***Re: Complaint Filed by Black Hills FiberCom, L.L.C., Against  
Qwest Corporation Regarding Intrastate Switched Access  
Charges Applied to ISP-Bound Calls Which Complainant Claims is  
Interstate in Nature; CT03-154***

Dear Counsel:

Enclosed please find a copy of Black Hills FiberCom's Responses to Qwest's Combined Requests for Admissions, Interrogatories and Requests for Production (Third Set). By copy of the foregoing, service is made upon you.

Thank you.

Sincerely,



Marvin D. Truhe

Enclosure  
MDT:skh

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

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UTILITIES COMMISSION**

<b>In the Matter of the Complaint Filed by Black Hills FiberCom, L.L.C., Rapid City, South Dakota Against Qwest Corporation Regarding Intrastate Switched Access Charges Applied to ISP-Bound Calls Which Complainant Claims is Interstate in Nature</b>	)	<b>CT 03-154 BLACK HILLS FIBERCOM'S RESPONSE TO QWEST'S REQUESTS FOR ADMISSIONS, et. al. (THIRD SET)</b>
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Black Hills FiberCom, L.L.C. ("BHFC") hereby submits its Answers to the Combined Requests for Admissions, Interrogatories and Requests for Production (Third Set) of Qwest Corporation ("Qwest").

[Note: The term "traffic in dispute" as defined by Qwest in its Request for Admissions inaccurately defines the traffic that is the subject of BHFC's Complaint. Thus, as defined, BHFC would deny, for that reason, each Request for Admissions that uses that term, or the related term "disputed traffic." In order to respond meaningfully herein to Qwest's Requests for Admissions, the "traffic in dispute" or "disputed traffic" that is the subject of BHFC's Complaint is ISP-bound traffic initiated by BHFC's customers outside Qwest's Rapid City local calling area using an access number within Qwest's Rapid city local calling area which traffic is delivered to an ISP customer of Qwest and continues through the ISP server and terminates at the remote Internet sites accessed by the BHFC customers. Using that definition, BHFC responds as follows.] why is this doing this at

**REQUESTS FOR ADMISSION**

Request for Admission 1: Admit that the traffic in dispute enters BHFC's customer network at a point within the same state as that in which the called station is situated.

Response to Request for Admission 1: Without a definition of "the called station" this Request cannot be answered. If the term "the called station" is synonymous with "a Rapid City, South Dakota, access phone number," then BHFC admits this request.

## ADDITIONAL INTERROGATORIES

Interrogatory 1: Is BHFC or any BHFC affiliate certified to provide any interexchange telecommunications services in South Dakota? If so, please produce a copy of any responsive certification..

Answer to Interrogatory 1: Not to our knowledge.

## REQUESTS FOR PRODUCTION

Request for Production 1: Produce all projections of Percent of Interstate Use BHFC has provided to Qwest in connection with section 2.3.10 of Qwest's South Dakota access service tariff from January 1, 2000 to the present.

Response to Request for Production 1:

No projections have been provided to Qwest.

Request for Production 2: Produce all workpapers and supporting materials prepared by BHFC in connection with projections of Percent of Interstate Use BHFC has provided to Qwest in connection with section 2.3.10 of Qwest's South Dakota access service tariff from January 1, 2000 to the present.

Response to Request for Production 2:

Not applicable. See Response to Request for Production 1.

Request for Production 3: Produce all projections of Percent other Message Factor BHFC has provided to Qwest in connection with section 2.3.10 of Qwest's South Dakota access service tariff from January 1, 2000 to the present.

Response to Request for Production 3:


No projections have been provided to Qwest.

Request for Production 4: Produce all workpapers and supporting materials prepared by BHFC in connection with projections of Percent other Message Factor BHFC has provided to Qwest in connection with section 2.3.10 of Qwest's South Dakota access service tariff from January 1, 2000 to the present.


Response to Request for Production 4:

Not applicable. See Response to Request for Production 4.

Signed this 26<sup>th</sup> day of March, 2004.

  
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Kyle D. White, Vice President Corporate Affairs

## VERIFICATION

  
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Kyle D. White, Vice President Corporate Affairs

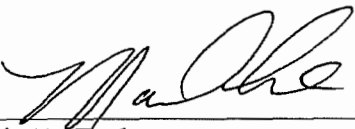
**JAYNE RISKE**  
NOTARY PUBLIC  
State of South Dakota  
(SEAL)

Jaymi Risku  
Notary Public

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