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RE: PROPOSED ELIGIBLE TELECOMMUNICATIONS CARRIER RULES  
Docket RM06-001  
Our file: 0053

Dear Commissioners:

This will provide in writing a reiteration of the oral comments which I made at the Rules Hearing on Wednesday, May 24, 2006, at 2:00 p.m.

We believe that the Commission should reconsider proposed rule 20:10:32:43.07 establishing a public interest standard. The language that is presently proposed does not incorporate the Commission's public interest standard adopted in its order of October 18, 2001, in the GCC License Corporation docket, Docket TC98-146. The public interest standard established in section 9 of that order should be explicitly dealt with in the rules to clarify whether the Commission continues to rely on that standard or whether the Commission is substituting the rule for the standard. We believe that the standard established in the order is a good one and should be substantially retained. That does not mean that the other aspects of the rule as proposed should be eliminated. The public interest standard stated in the rule would, we believe, fit well within the material that is presently proposed in the rule.

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We also pointed out that proposed ARSD 20:10:32:54(4) needs to be clarified. A definition of "complaint" is necessary. This was amplified by my testimony on behalf of Midcontinent and Colleen Sevold's testimony on behalf of Qwest. Ms. Sevold indicated that Qwest only reports complaints which have been filed with the Commission, while Midcontinent has attempted to track a broader range of complaints. A definition of what is meant by a complaint is necessary to make sure that all carriers are operating from the same standard.

Also the lead line to ARSD 20:10:32:54 probably needs clarification. The term "annual" does not necessarily carry the connotation of the calendar year. Thus, if the certification required by the rule is a calendar year certification, that should be clarified.

Thank you for your attention to these matters. We appreciate the ability to testify before the Commission on the rules.

Yours truly,

MAY, ADAM, GERDES & THOMPSON LLP

BY: 

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