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THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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- 3 IN THE MATTER OF THE FILINGS BY THE )
- 4 FOLLOWING TELECOMMUNICATIONS )
- 5 COMPANIES FOR DESIGNATION AS )
- 6 ELIGIBLE TELECOMMUNICATIONS CARRIERS: )
- 7 VIVIAN TELEPHONE COMPANY ) TC97-068
- 8 GOLDEN WEST TELECOMMUNICATIONS )
- 9 COOPERATIVE, INC. ) ~~TC97-069~~
- 10 VALLEY CABLE & SATELLITE )
- 11 COMMUNICATIONS, INC. ) TC97-070
- 12 VALLEY TELECOMMUNICATIONS COOPERATIVE )
- 13 ASSOCIATES, INC. ) TC97-071
- 14 SIOUX VALLEY TELEPHONE COMPANY )
- 15 ) TC97-073
- 16 MOUNT RUSHMORE TELEPHONE COMPANY )
- 17 ) TC97-074
- 18 FORT RANDALL TELEPHONE COMPANY )
- 19 ) TC97-075
- 20 INTRASTATE TELEPHONE COMPANY )
- 21 COOPERATIVE, INC. ) TC97-077
- 22 )
- 23 INTERSTATE TELECOMMUNICATIONS )
- 24 COOPERATIVE, INC. ) TC97-078
- 25 )
- WEST RIVER COOPERATIVE TELEPHONE )
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- STATELINE TELECOMMUNICATIONS, INC. )
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- TC97-085
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5	KENNEBEC TELEPHONE CO., INC.	) TC97-092
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7	JEFFERSON TELEPHONE CO., INC.	) TC97-093
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9	SULLY BUTTES TELEPHONE COOPERATIVE, INC.	) TC97-094
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13	SANCOM, INC.	) TC97-096
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19	ROBERTS COUNTY TELEPHONE COOPERATIVE ASSOCIATION	) TC97-099
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A P P E A R A N C E S

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CHAIRMAN BURG: Okay. We'll go ahead and get started. I'll begin the hearing for the dockets relating to the eligible telecommunications carriers designation. The time is approximately 1:50. The date is November 19, 1997; and the location of the hearing is Room 412, State Capitol, Pierre, South Dakota.

I am Jim Burg, Commission Chairman. Commissioners Laska Schoenfelder and Pam Nelson are also present. I'm presiding over this hearing. The hearing was noticed pursuant to the Commission's Order For and Notice of Hearing issued November 7, 1997.

The issues at this hearing shall be as follows: One, whether the requesting telecommunications company should be granted designation as eligible telecommunications carriers; and, two, what service areas shall be established by the Commission.

All parties have the right to be present and to be represented by an attorney. All persons so testifying will be sworn in and subject to cross-examination by the parties. The Commission's final decision may be appealed by the parties to the State Circuit Court and the State Supreme Court.

Rolayne Wiest will act as Commission

1 counsel. She may provide recommended rulings on  
2 procedural and evidentiary matters. The Commission may  
3 overrule its counsel's preliminary rulings throughout  
4 the hearing. If not overruled, the preliminary rulings  
5 will become final.

6 At this time I'll turn it over to Rolayne for  
7 the hearing.

8 MS. WIEST: I'll take appearances of the  
9 parties. Rich, who do you represent?

10 MR. COIT: I'm here today representing all of  
11 the SDITC member companies, and also Kadoka which has  
12 recently applied for membership with the coalition.  
13 And Darla Rogers is here representing some companies,  
14 and I guess she could indicate for the record which  
15 ones she's representing.

16 MS. ROGERS: I'm here representing Valley;  
17 Stockholm-Strandburg; Golden West, including Vivian;  
18 and Sully Buttes and Venture.

19 MS. WIEST: Could you repeat those again?  
20 Valley, Stockholm-Strandburg, Vivian, Golden West.

21 MS. ROGERS: Golden West, Sully Buttes and  
22 Venture.

23 MS. WIEST: U S West.

24 MR. HEASTON: Bill Heaston and Tammy Wilka  
25 for U S West Communications.

1 MS. CREMER: Karen Cremer, Commission staff.

2 MR. HOSECK: Camron Hoseck, Commission  
3 staff.

4 MS. WIEST: We have had a request to take one  
5 of these dockets first and that's TC97-075. Do any of  
6 the parties want to make an opening statement before we  
7 begin?

8 Why don't you proceed with 075 then.

9 MR. COIT: Sure, that's fine. I really don't  
10 have an opening statement. There are a couple of  
11 exhibits that we would like to admit. And I understand  
12 there's also been some letters sent to the Commission  
13 that we would like to admit into the record as evidence  
14 on the ETC questions. And that would be Exhibit Number  
15 1, which is the application of Fort Randall for ETC  
16 designation, and Exhibit No. 2, which is the response  
17 of Fort Randall to a data request from staff, dated, I  
18 believe, October 1st. And there are two letters. I  
19 don't know if we've marked those yet.

20 (EXHIBITS NO. 3 and 4 WERE MARKED FOR  
21 IDENTIFICATION.)

22 MR. COIT: There are two other exhibits that  
23 have been marked Exhibit No. 3. Kathy Marmet, is that  
24 the letter of Dakota or is Exhibit 3 the letter.

25 MS. MARMET: Exhibit 3 is the letter of

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1 Dakota.

2 MR. COIT: So the Exhibit 3 is the letter  
3 from Robert Marmet to the Commission, and Exhibit 4 is  
4 a letter from Mike Bradley to the Commission.

5 MS. WIEST: What's the date of that letter,  
6 the letter from Bradley?

7 MR. COIT: November 18th.

8 MS. WIEST: Because I have one dated November  
9 18th and one the 19th.

10 MR. COIT: I think so. Is that right,  
11 Exhibit 3, is that the 19th? Okay. I had a letter  
12 that was dated yesterday, but the ones we have marked  
13 for admission today, I believe both the letters are  
14 dated the 19th, November 19th.

15 MS. WIEST: So the letter from Mr. Bradley is  
16 dated the 19th?

17 MR. COIT: Yes. Sorry about that.

18 MS. WIEST: And that's Exhibit 4.

19 MR. COIT: I don't know why they're dated  
20 differently. The 19th is the one we're seeking  
21 admission on, I believe. Yes, they are identical so  
22 we're seeking admission of the 19th letter.

23 MS. WIEST: I think they're not exactly  
24 identical but we'll go with the 19th. Could I see the  
25 letter from Dakota? I don't believe we got copies of

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1 that one. (Pause.) So at this time are you offering  
2 Exhibits 1, 2, 3 and 4?

3 MR. COIT: Yes, that's correct.

4 MS. WIEST: Is there any objection to those  
5 exhibits being admitted? If not, 1, 2, 3 and 4 have  
6 been admitted in TC97-075. Then at this time I would  
7 ask if any of the parties have any questions pertaining  
8 to TC97-075, including the Commissioners?

9 The only question I would have, Rich, is on  
10 the response to the data request, Exhibit 2. And the  
11 first question it talks about single party service. I  
12 guess it's not absolutely clear that it's available to  
13 all the customers the way that the statement is written  
14 and answered.

15 MR. COIT: Oh, because they said does the  
16 above-referenced company have this service.

17 MS. WIEST: Right.

18 MR. COIT: Yeah, I guess that is correct.  
19 And I am not here today to serve as a witness.

20 MS. WIEST: No.

21 MR. COIT: If that's a concern that you feel  
22 you need addressed, and I hate to say this, but I was  
23 led to believe that if there were some questions on  
24 applications and there was not a witness here to answer  
25 that, those questions could be dealt with between now

1 and December 2nd. There are witnesses here today for  
2 some of the other applications, but there is not a  
3 witness here today with respect to Fort Randall's  
4 application.

5 MS. WIEST: The only other thing I would  
6 suggest is that perhaps the Commission could just have  
7 it clarified by another affidavit from the person.

8 CHAIRMAN BURG: We could approve it on the  
9 basis of that clarification.

10 MS. WIEST: A late-filed exhibit just  
11 clarifying that since we are taking affidavits from the  
12 witnesses on other issues.

13 MR. COIT: I appreciate that option.

14 MS. WIEST: Otherwise, are there any other  
15 questions relating to 075?

16 CHAIRMAN BURG: Can we make bench decisions?

17 MS. WIEST: Staff will have something too.  
18 They'll have testimony on all of the cases. Does staff  
19 want to go now, or do you want to go at the very end?

20 MR. HOSECK: Originally we had planned to go  
21 after the applicants had.

22 MS. WIEST: All the applicants?

23 MR. HOSECK: Yes. And if these are treated  
24 en mass or something fairly close to that, then we  
25 would be prepared to put on our case in a similar

1 manner.

2 CHAIRMAN BURG: That's fine.

3 MS. WIEST: Let's just go through them and  
4 then we'll have Harlan as the witness. Let's go back  
5 to TC97-068. Does anyone have any questions on  
6 TC97-068?

7 CHAIRMAN BURG: Just a clarification. What  
8 data request response is this?

9 MS. WIEST: Yes. That would be in that  
10 packet.

11 MR. COIT: Is there a chance that we could  
12 consider or deal with these en mass as Mr. Hoseck has  
13 indicated or suggested?

14 MS. WIEST: I'd rather not just because on a  
15 few of them I have a couple questions on some of them.

16 MR. COIT: Okay. Should I go ahead and  
17 introduce the exhibits?

18 MS. WIEST: Yes.

19 MR. COIT: With respect to Docket TC97-068  
20 there are two exhibits. Exhibit No. 1 is the actual  
21 ETC request filed by Vivian Telephone Company. And  
22 Exhibit No. 2 is the response of Vivian Telephone  
23 Company to a data request from Commission staff. We  
24 would move the admission of those exhibits. I do not  
25 have the dates. I don't have them here with me.

1 Okay. Yeah, the date on the Exhibit No. 1 is 6-1997.  
2 and the date on the response to the data request is  
3 10-14-97.

4 CHAIRMAN BURG: 6-9; right, not 6-19?

5 MR. COIT: 6-19 -- 6-9, excuse me.

6 MS. WIEST: Okay. Is there any objection to  
7 admitting Exhibits 1 and 2 in 068? If not, they've  
8 been admitted. Again, Rich, on Exhibit 2, the first  
9 question, it says we provide single party service  
10 throughout. I guess I'll assume that means all  
11 customers?

12 MR. COIT: I would call Don Lee. Don Lee is  
13 here representing Vivian as well as some of the other  
14 companies. Don Lee, do you want to take a seat?

15 DON LEE,

16 called as a witness, being first duly sworn.  
17 was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. COIT:

20 Q. Could you respond to Commission counsel's  
21 question, please?

22 A. Yes. The answer to your question is, yes, it  
23 does indicate that they provide service private line  
24 throughout the study area.

25 MS. WIEST: Single party to all customers?

1 It's available to all customers?

2 A. Right.

3 MS. WIEST: Thank you. That's the only  
4 question I have. Does anybody else have any questions  
5 for this witness for 068? If not, thank you. I did  
6 admit Exhibit 1 and 2. 069.

7 MR. COIT: We would move the admission of  
8 Exhibits No. 1 and 2 in 069, and that is an ETC request  
9 or application dated 6-9-97 and response to a staff  
10 data request dated 10-14-97.

11 MS. WIEST: Any objection? If not, they've  
12 been admitted.

13 COMMISSIONER SCHOENFELDER: Excuse me, I do  
14 not have the data request up here with me for some  
15 reason. I'm sorry about this, but I need to go back  
16 and ask Mr. Lee about the Lifeline, Link Up. I think  
17 was that covered in the data request? I'm sorry to be  
18 behind the eight ball, but I did not have that and so I  
19 need to know whether this company is doing Lifeline,  
20 Link Up now or whether you need to -- whether you  
21 intend to have that implemented by 1-1?

22 A. You're referring to the Vivian Telephone  
23 Company?

24 COMMISSIONER SCHOENFELDER: Yeah, Vivian is  
25 what we're doing now.

1           A.    Vivian Telephone Company does provide  
2 Lifeline and Link Up throughout its system with the  
3 exception of the Vivian Exchange, and they anticipate  
4 providing it in the Vivian Exchange by January 1,  
5 1998.

6           COMMISSIONER SCHOENFELDER: But anticipated  
7 and doing it are two different things. And I think I'm  
8 going to have to be assured that you're either going to  
9 do it or that you're going to ask for something from  
10 us.

11          A.    Do you want a commitment that we will do it  
12 by that date?

13          COMMISSIONER SCHOENFELDER: I think that's  
14 one of the requirements, if I'm reading the Act right.

15          A.    Yeah.

16          COMMISSIONER SCHOENFELDER: And I think  
17 that's important that we have that on the record.

18          A.    Certainly, Commissioner. The answer is, yes,  
19 they are committed to providing it by 1-1-1998.

20          COMMISSIONER SCHOENFELDER: Thank you.

21          CHAIRMAN BURG: Just a question, a general  
22 one on that. On the toll, what do we call it toll  
23 control? Do we need a statement on those, too, or a  
24 request for a waiver?

25          MS. WIEST: They did actually request waivers

1 in their original applications.

2 MR. COIT: I was at the conclusion of going  
3 through, I guess, the questions and so forth, I was  
4 basically -- before the Commission acts on any of  
5 these, going to restate the request. But if the  
6 Commission has questions of Mr. Lee with respect to  
7 certain aspects of providing it, I would -- yeah, I  
8 would suggest you go ahead and ask it.

9 CHAIRMAN BURG: No, I don't have a problem as  
10 long as we know all of them that's going to apply to.  
11 In other words, if it applies to every one of them,  
12 then the statement at the end saying it applies on all  
13 of them is adequate for me. Or if you have some that  
14 already could do the toll control, we need to know  
15 that. I doubt if there are any at this time.

16 MR. COIT: No, we don't. And the waiver  
17 request is included in all the applications. But just  
18 to make sure it was ruled on, I was intending on  
19 bringing it up again at the end.

20 CHAIRMAN BURG: Okay. That's fine with me.

21 MS. WIEST: Any other questions of this  
22 witness regarding 068 and 069? If not, we will go to  
23 TC97-070.

24 MR. COIT: Again, I would move for the  
25 admission of two exhibits in TC97-070, and that is the

1 ETC application or request dated 6-10-97 and response  
2 to staff's data request dated 10-97.

3 MS. WIEST: Any objection? If not, Exhibits  
4 1 and 2 have been admitted. Are there any questions  
5 with regard to this docket? If not, let's go to  
6 TC97-071.

7 MR. COIT: We would move for the admission of  
8 Exhibits No. 1 and 2, request for ETC status dated  
9 6-10-97 and response to data request of staff dated  
10 10-9-97.

11 MS. WIEST: Any objection to Exhibits 1 and  
12 2? If not, they've been admitted. Are there any  
13 questions regarding TC97-071? If not, we will go to  
14 TC97-073.

15 MR. COIT: We would move for the admission of  
16 Exhibit No. 1, ETC request dated 6-11-97 and Exhibit  
17 No. 2, response to staff data request dated 10-14-97.

18 MS. WIEST: Any objections to Exhibits 1 and  
19 2 being admitted? If not, they have been admitted.  
20 Any questions regarding 073?

21 MR. COIT: I would note that Dennis Law, who  
22 is the current manager of Sioux Valley Telephone  
23 Company, is available if the Commissioners have any  
24 questions.

25 MS. WIEST: Any questions? If not, we'll go

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1 to TC97-074.

2 MR. COIT: We would move for the admission of  
3 Exhibit No. 1, which is the ETC request dated 6-12-97  
4 and Exhibit No. 2, response to staff data request dated  
5 10-31-97.

6 MS. WIEST: Are there any objections? If  
7 not, 1 and 2 have been admitted. Are there any  
8 questions concerning 074? I have the same question on  
9 this one, Rich, with respect to the data request number  
10 one.

11 MR. COIT: Would an affidavit be adequate?

12 MS. WIEST: Yeah, as far as all customers.

13 MR. COIT: Okay. I will make sure that gets  
14 filed.

15 MS. WIEST: Any questions on 074? If not,  
16 let's go to TC97-077.

17 MR. COIT: We would move for the admission of  
18 Exhibit No. 1, which is the ETC request and that's  
19 dated 6-13-97. Also move for admission of Exhibit No.  
20 2, which is a response to data request dated 10-9-97.  
21 And there is also an Exhibit No. 3 in this docket, a  
22 supplemental response to staff data request. It's  
23 dated 10-28-97. We move the admission of all three  
24 exhibits.

25 MS. WIEST: Any objection? If not, those

1 three exhibits have been admitted. Are there any  
2 questions regarding this docket?

3 MR. COIT: I believe Mr. Lee is representing  
4 ITC today as well?

5 MR. LEE: That's right.

6 MS. WIEST: Okay. Let's go to TC97-078.

7 MR. COIT: We move for the admission of  
8 Exhibit No. 1, which is the ETC request dated 6-13-97  
9 and move for the admission of Exhibit No. 2, which is  
10 response to staff data request dated 10-9-97.

11 MS. WIEST: Any objection to those exhibits?  
12 If not, they've been admitted. Any questions  
13 concerning this docket? Let's go to TC97-080.

14 MR. COIT: We move for the admission of  
15 Exhibit No. 1, which is the ETC request dated 6-16-97,  
16 and also move for admission of response to staff data  
17 request Exhibit No. 2, which is dated 10-14-97.

18 MS. WIEST: Any objection to Exhibits 1 and  
19 2? If not, they've been admitted. Any questions  
20 regarding this docket? If not, let's move to  
21 TC97-081.

22 MR. COIT: We move for the admission of ETC  
23 request dated 6-16-97, which is Exhibit No. 1, and also  
24 Exhibit No. 2, response to staff data request, dated  
25 10-15-97.

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1 MS. WIEST: Are there any objections to 1 and  
2 2? If not, they've been admitted. Any questions  
3 regarding this docket? So, Rich, with respect to this  
4 one, you will be asking at the end about the waiver for  
5 the single party and all the other waivers; is that  
6 right?

7 MR. COIT: Is there a waiver request in the  
8 Stateline on the single party issue?

9 MS. WIEST: Yes.

10 MR. COIT: I wasn't aware of that. I  
11 understood there were some companies that had purchased  
12 U S West exchanges that were still in the process of  
13 converting some party lines. But, yes, if they need a  
14 waiver, I guess so. I'll renew that request. I don't  
15 have any factual information I can provide. I don't  
16 believe, Mr. Lee, are you here representing Stateline?

17 MR. LEE: I am. And in conversations with  
18 Stateline management yesterday, they indicated that  
19 they would likely need a waiver request until March,  
20 April time frame when they can finish the construction  
21 to provide all one party service.

22 MS. WIEST: And in their application they're  
23 actually asking for a one-year waiver; correct?

24 MR. LEE: But they're willing to shorten it  
25 up.

1 MS. WIEST: So you probably just need a  
2 waiver until June?

3 MR. LEE: That would be adequate.

4 MS. WIEST: June 1st?

5 CHAIRMAN BURG: Do we need to act on the  
6 waivers now?

7 COMMISSIONER SCHOENFELDER: Do you want a  
8 motion on the waiver now?

9 MS. WIEST: Let's talk about that. The thing  
10 is that all of these, I believe, are going to also need  
11 a motion on the waivers for the one year on the toll  
12 control, and we haven't been doing any of those motions  
13 at this time.

14 CHAIRMAN BURG: We have to take each of those  
15 separate motions, do you think, at the end for the toll  
16 control?

17 MS. WIEST: Yes. If we want to go --

18 MR. COIT: We could pick it up here now and  
19 start doing waivers. That might be the easiest way.

20 CHAIRMAN BURG: If we got to go through each  
21 one.

22 MR. COIT: Rule on them as you go through.

23 CHAIRMAN BURG: Easier than going back.

24 MS. WIEST: Okay. For 081 with respect to  
25 the waiver until June 1st, 1998, concerning single

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1 party service to all customers, and the second waiver  
2 on toll control for one year -- one year from what  
3 date, Rich?

4 MR. COIT: I think I would guess that that  
5 would be from the date of the order.

6 MS. WIEST: Okay.

7 MR. COIT: On the toll control? You're  
8 speaking to the toll control; correct?

9 MS. WIEST: Yes, toll control.

10 COMMISSIONER SCHOENFELDER: I have a question  
11 as long as we're talking about the waivers both on toll  
12 control and on the single party service. As long as  
13 you're asking for waivers, let's make sure it's done  
14 properly and that we're not back here in two months  
15 asking for more waivers. I would hate to go through  
16 this process, or would not like to go through this  
17 process again. I think we need to be accurate when  
18 we're doing it. I also have a question about what  
19 meets the requirements of the Act? How much of a  
20 waiver can we give? I don't know as I know the answer  
21 to that.

22 MS. WIEST: Right. The time actually in the  
23 FCC Order is not specified. But it does say in  
24 paragraph 89, I believe, that the Commission must, upon  
25 a finding of exceptional circumstances, you can make a

1 waiver for single party services for a specified period  
2 of time. And also on the toll limitation the company  
3 must also show exceptional circumstances exist and need  
4 for additional time to upgrade. They should have to  
5 show individual hardship, individualized hardship or  
6 inequity warrants additional time to comply and that  
7 would better serve the public interest that is in  
8 strict adherence to the time period and it should  
9 extend only as long as the exceptional circumstances  
10 exist.

11 MR. COIT: I would note that in the  
12 applications, while we've requested a year, we've also  
13 indicated that within that period of time we would file  
14 some information with the Commission indicating, you  
15 know, when the capability is available. If the  
16 Commission -- what we have -- and Mr. Lee, I think, can  
17 answer some questions in the area of toll control that  
18 I can't answer. But we're faced with a situation today  
19 where the capabilities are just not available. If a  
20 year is too long, you know, from our perspective we  
21 really didn't know when it would be available and  
22 that's why we requested a year. But if there's better  
23 information on that, maybe the time period can be  
24 different. But right now we really don't know when the  
25 capability is going to be available.

1                   COMMISSIONER SCHOENFELDER: I hate to belabor  
2 the point, and I know everyone wants to get through  
3 this, but to me it's very important that we do it  
4 right. And so if it means that we need to answer the  
5 question when we grant these waivers and we send these,  
6 or you send them on to the FCC, we need to be sure that  
7 you have spelled out why these companies -- at least  
8 this is what I'm understanding -- why these companies  
9 can't do toll control and why it's going to take that  
10 long of a period of time to do single party service.  
11 And so I think that should be in the application  
12 somewhere, or at least in our motion as we approve it,  
13 or we should have something on the record to support  
14 where we're going.

15                   MS. WIEST: They do explain the reasons in  
16 their application, their original application, with  
17 respect to toll control.

18                   COMMISSIONER SCHOENFELDER: Okay.

19                   MS. WIEST: But if there are any further  
20 questions that the Commission would like to ask at this  
21 time, if you need more information on that, we could do  
22 that now.

23                   COMMISSIONER SCHOENFELDER: I would like to  
24 know -- and this probably isn't true of all companies.  
25 But of the ones you're testifying for at least,

1 Mr. Lee, where they're at in deploying the technology  
2 that we need to do these two things and what kind of  
3 delays you might expect. Because I don't want this to  
4 not go forward the way that it's been perceived that it  
5 should go forward.

6 MR. LEE: Sure. Okay. I might respond to  
7 that in general; and then if there are specific  
8 questions, I'd be happy to do that. But the issue of  
9 toll limitation, which I believe under the FCC's  
10 description identifies a toll restriction and a toll  
11 control, and the issue at hand is in the toll control,  
12 which my understanding is to indicate that the end user  
13 subscriber is to be able to control the amount of its  
14 monthly bill, at which time a restriction automatically  
15 kicks in and disallows access to the long distance  
16 network. To my knowledge, there is no switch vendor in  
17 the United States today who provides that capability  
18 within its switch. I know that the vendors are working  
19 on it. I could not sit here with a clear conscience  
20 and indicate that on X date that I would expect it will  
21 be available. Given my honest opinion, I would doubt  
22 that it's available to the general population within a  
23 year's time period. And therein is the reason I  
24 believe that SDITC members ask for the one-year period  
25 because we don't anticipate it being available.

1           The second or alternative to that is a  
2 software provisioning of toll control. And, again, to  
3 my knowledge, there is no interface between a software  
4 system and a switch that has that capability.  
5 Primarily because it would take real time rating of a  
6 customer's usage; and because the customer control  
7 switch interexchange carrier it's choosing, there are a  
8 myriad of optional call plans and rate structures that  
9 would be applied. And, to my knowledge, there just is  
10 no technology, nor software, available to carry out  
11 that program.

12           COMMISSIONER SCHOENFELDER: And if I recall  
13 right, it doesn't -- it's not permissive, one or the  
14 other. You really to need to do all of the above.

15           MR. LEE: It includes both, that's correct.

16           COMMISSIONER SCHOENFELDER: I believe some  
17 companies have asked the FCC for clarification, that  
18 sort of thing. And as far as I know, you might have  
19 better information than I do that that decision has not  
20 been handed down by the FCC.

21           MR. LEE: A, I doubt I have better  
22 information; and, B, I agree it has not been handed  
23 down, to my knowledge. There is that clarification  
24 procedure request in front of the FCC.

25           COMMISSIONER SCHOENFELDER: Okay.

1           CHAIRMAN BURG: To my knowledge, everybody  
2 can offer toll limitation; right, from what we've had  
3 to get a general statement?

4           MR. LEE: I'm going to define as toll  
5 restriction, if I can, instead of toll limitation, yes.

6           CHAIRMAN BURG: Toll blocking is what I  
7 mean. Everybody can offer that?

8           MR. LEE: To my knowledge, that's a true  
9 statement.

10          CHAIRMAN BURG: And I guess my position is to  
11 me, the other -- I really don't see, you know, since  
12 you said it's not available, I can't see them implying  
13 it or even putting it into here. I think it satisfies  
14 all of our needs. I have no problem giving the full  
15 year or more as long as it gets through FCC, which at  
16 this time it appears it should. So I don't see this  
17 point to me in making it a shorter limit because I  
18 don't think it will interfere with the ETC  
19 establishment.

20          MR. LEE: I would agree with that and then  
21 would point out in the applications the companies have  
22 indicated that they will investigate and will work with  
23 their switch vendors so that when it does become  
24 available, they're willing to implement it. I think  
25 that the telephone companies feel that once it becomes

1 available, it is in the public interest and would be  
2 very supportive of that concept.

3 CHAIRMAN BURG: With that I'll move that we  
4 grant the one-year waiver on toll -- what is it  
5 called? Toll limitation? Toll control?

6 COMMISSIONER NELSON: I'd second.

7 COMMISSIONER SCHOENFELDER: I'm going to  
8 concur with that as long as the motion is understood  
9 that there will be some formal way to limit toll for  
10 these customers just so that everybody understands the  
11 motion.

12 CHAIRMAN BURG: I think in every application  
13 you agreed that you can do toll restriction --

14 MR. LEE: Right.

15 CHAIRMAN BURG: -- if I remember reading the  
16 applications, and that to me is satisfactory.

17 MR. LEE: Thank you.

18 CHAIRMAN BURG: Do you want them as a  
19 separate motion? Okay. I'll also move -- which one do  
20 we need on this one?

21 MS. WIEST: The single party service until  
22 June 1st.

23 CHAIRMAN BURG: I'll move that we grant a  
24 waiver in TC97-081 in the single party requirement  
25 until June 1, 1998.

1           COMMISSIONER NELSON: I'd second.

2           COMMISSIONER SCHOENFELDER: Concur.

3           MS. WIEST: Any other questions in 081? Do  
4 you want to go back now?

5           CHAIRMAN BURG: It might be easier to go back  
6 and get these others.

7           MR. COIT: Whatever.

8           MS. WIEST: We'll go back to 068, and the  
9 motion in 068 will be for the one-year waiver on toll  
10 control.

11          CHAIRMAN BURG: I'll move that we grant the  
12 waiver of toll control in TC97-075.

13          COMMISSIONER NELSON: I'd second.

14          COMMISSIONER SCHOENFELDER: Concur.

15          MS. WIEST: 068.

16          CHAIRMAN BURG: I'll move we grant the toll  
17 -- I mean I'll move we grant the waiver for toll  
18 limitation.

19          MS. WIEST: Toll control. I'm sorry, we have  
20 to be accurate because what the FCC did is they call it  
21 combined toll control and toll blocking as toll  
22 limitation.

23          CHAIRMAN BURG: I'll move we grant the waiver  
24 for toll control in TC97-068.

25          COMMISSIONER NELSON: Seconded.

1 COMMISSIONER SCHOENFELDER: Concur.

2 MS. WIEST: For one year?

3 CHAIRMAN BURG: Yes.

4 MS. WIEST: 069.

5 CHAIRMAN BURG: I'll keep making them. I'll  
6 move we grant the toll control waiver in TC97-069 for  
7 one year.

8 COMMISSIONER NELSON: Seconded.

9 COMMISSIONER SCHOENFELDER: Concur.

10 MS. WIEST: 070.

11 CHAIRMAN BURG: I'll move that we grant toll  
12 control in TC97-070 for one year, the waiver for one  
13 year.

14 COMMISSIONER NELSON: Second it.

15 COMMISSIONER SCHOENFELDER: Concur.

16 MS. WIEST: 171.

17 CHAIRMAN BURG: I'll move that we grant toll  
18 control, the waiver for toll control, in TC97-071 for  
19 one year.

20 COMMISSIONER NELSON: Seconded.

21 COMMISSIONER SCHOENFELDER: Concur.

22 MS. WIEST: 073.

23 CHAIRMAN BURG: I'll move we grant the waiver  
24 for toll control in TC97-073 for one year.

25 COMMISSIONER NELSON: Seconded.

1 COMMISSIONER SCHOENFELDER: Concur.  
2 MS. WIEST: 074.  
3 CHAIRMAN BURG: I'll move we grant the waiver  
4 for toll control in TC97-074 for one year.  
5 COMMISSIONER NELSON: Seconded.  
6 COMMISSIONER SCHOENFELDER: Concur.  
7 MS. WIEST: 077.  
8 CHAIRMAN BURG: I'll move we grant the waiver  
9 for toll control in TC97-077 for one year.  
10 COMMISSIONER NELSON: Seconded.  
11 COMMISSIONER SCHOENFELDER: Concur.  
12 MS. WIEST: 078.  
13 CHAIRMAN BURG: I'll move we grant the waiver  
14 for toll control in TC97-078 for one year.  
15 COMMISSIONER NELSON: Seconded.  
16 COMMISSIONER SCHOENFELDER: Concur.  
17 MS. WIEST: 080.  
18 CHAIRMAN BURG: And I'll move we grant the  
19 waiver for toll control in TC97-080 for one year.  
20 COMMISSIONER NELSON: Seconded.  
21 COMMISSIONER SCHOENFELDER: Concur.  
22 CHAIRMAN BURG: We did 81; right, and we are  
23 done with 81.  
24 MS. WIEST: Any further questions on 081?  
25 083, TC97-083.

1 MR. COIT: We would move for the admission of  
2 the ETC request filed by Accent, dated 6-17-97, and  
3 Exhibit No. 2, the response to staff data request which  
4 is dated 10-8-97.

5 MS. WIEST: Any objection? If not, 1 and 2  
6 have been admitted. Any questions regarding 083?

7 CHAIRMAN BURG: I'll move we grant the toll,  
8 the waiver for toll control in TC97-083 for one year.

9 COMMISSIONER NELSON: Seconded.

10 COMMISSIONER SCHOENFELDER: Concur.

11 MS. WIEST: TC97-084.

12 MR. COIT: We move for the admission of the  
13 ETC request dated 6-17-97, which is marked Exhibit No.  
14 1, and we move for the admission of Exhibit No. 2, the  
15 response to staff data request dated 10-8-97.

16 MS. WIEST: Are there any objections? If  
17 not, they've been admitted.

18 CHAIRMAN BURG: I'll move we grant the waiver  
19 for toll control in TC97-084 for one year.

20 COMMISSIONER NELSON: Seconded.

21 COMMISSIONER SCHOENFELDER: I'll concur.

22 Does this have a single party question on this one?

23 MS. WIEST: No. They said in their original  
24 application that they are offering single party service  
25 to all consumers.

1 COMMISSIONER SCHOENFELDER: I got a sticky on  
2 it. Sorry. James Valley; right?

3 MS. WIEST: I believe in their -- okay.  
4 Yeah, that was Bob's question. And the reason he had  
5 the question is it was actually in the original  
6 application. So if you look at the original  
7 application on page two, under question number three,  
8 they do state that they provide single party service to  
9 all consumers in their service area. Number four down  
10 on that list.

11 COMMISSIONER SCHOENFELDER: Okay.

12 MS. WIEST: Thank you. Okay. Let's go to  
13 TC97-085.

14 MR. COIT: We move for admitting of Exhibit  
15 No. 1, the ETC request, dated 6-17-97, and Exhibit No.  
16 2, the response to staff data request dated 10-10-97.

17 MS. WIEST: Any objections? If not, they've  
18 been admitted. I have the same question here with  
19 respect to question number one.

20 MR. COIT: Mr. Benton is available to respond  
21 to questions, I believe. Is this Heartland? Right?  
22 Or, Don, can you respond to any questions?

23 MR. LEE: Mark has asked me to respond on his  
24 behalf, which will be Heartland Communications, and  
25 they are offering all single.

8  
42  
2

1 MS. WIEST: Single party was offered to all  
2 customers? Any other questions concerning this  
3 docket? Is there a motion?

4 CHAIRMAN BURG: I'll move that we grant the  
5 waiver for toll control to TC97-089 for one year.

6 COMMISSIONER NELSON: I'd second it.

7 COMMISSIONER SCHOENFELDER: Concur.

8 MS. WIEST: 085, I believe.

9 CHAIRMAN BURG: Excuse me, 85.

10 MS. WIEST: TC97-086.

11 MR. COIT: We move for the admission of ETC  
12 request, Exhibit No. 1, dated 6-17-97, and response to  
13 staff data requests, Exhibit No. 2, which is dated  
14 10-10-97.

15 MS. WIEST: Any objections? If not, they  
16 have been admitted. Same question, can you answer  
17 that, Mr. Lee?

18 MR. LEE: I'm sorry, I don't have the  
19 associated companies with the exhibit numbers. Which  
20 company are we referring to?

21 MR. COIT: Midstate.

22 MR. LEE: They are currently all private line  
23 services.

24 MR. COIT: Single party, correct?

25 MS. WIEST: Single party to all customers?

1 MR. LEE: Correct.

2 MS. WIEST: Any other questions in this  
3 docket?

4 CHAIRMAN BURG: I'll move we grant the toll  
5 control waiver in TC97-086 for one year.

6 COMMISSIONER NELSON: I'd second it.

7 COMMISSIONER SCHOENFELDER: Concur.

8 MS. WIEST: TC97-087.

9 MR. COIT: We move for the admission of  
10 Exhibit No. 1, ETC request, dated 6-17-97, and Exhibit  
11 No. 2, response to staff data request, dated 10-16-97.

12 MS. WIEST: Any objections? If not, Exhibits  
13 1 and 2 have been admitted.

14 CHAIRMAN BURG: I'll move we grant toll  
15 control waiver in TC97-087 for one year.

16 COMMISSIONER NELSON: I'd second it.

17 COMMISSIONER SCHOENFELDER: Concur.

18 MS. WIEST: Again, I'd have a question on  
19 this one, Rich.

20 MR. COIT: Mr. Lee is representing Baltic as  
21 well.

22 MR. LEE: Baltic is currently all private  
23 line. I'm sorry, single party. I should use the right  
24 term, single party service.

25 MS. WIEST: To all customers?

1 MR. LEE: Correct.

2 MS. WIEST: Thank you. TC97-088.

3 MR. COIT: We move for the admission of  
4 Exhibit No. 1, ETC request dated 6-17-97, and response  
5 to staff data request, which is Exhibit No. 2, which is  
6 dated 10-17-97.

7 MS. WIEST: Any objections? If not, Exhibits  
8 1 and 2 have been admitted.

9 CHAIRMAN BURG: I'll move we grant a waiver  
10 on toll control in TC97-088 for one year.

11 COMMISSIONER NELSON: I'd second it.

12 COMMISSIONER SCHOENFELDER: Concur.

13 MS. WIEST: Can you answer my question on  
14 this one, Mr. Lee?

15 MR. LEE: Company name, please?

16 MS. WIEST: East Plains.

17 MR. LEE: Currently is all single party  
18 service.

19 MS. WIEST: Thank you.

20 MS. WIEST: TC97-089.

21 MR. COIT: We move for the admission of  
22 Exhibit No. 1, which is the ETC request dated 6-17-97,  
23 and the admission of Exhibit No. 2, which is a response  
24 to staff data request, dated 10-21-97.

25 MS. WIEST: Any objections? If not, they've

1 been admitted. Same question.

2 MR. COIT: I don't believe that Mr. Lee is  
3 here representing Western today. What did they say in  
4 the response?

5 MS. WIEST: They said Western Telephone  
6 offers single party service. My question is do they  
7 offer to every customer again?

8 MR. COIT: Well --

9 MS. WIEST: Can you do a late-filed on that?

10 MR. COIT: We can do an affidavit on that  
11 one, I guess.

12 CHAIRMAN BURG: I'll move we grant a waiver  
13 on toll control for TC97-089 for one year.

14 COMMISSIONER NELSON: I'd second it.

15 COMMISSIONER SCHOENFELDER: Concur.

16 MS. WIEST: Okay. Let's go on to TC97-090.

17 MR. COIT: We move for the admission of  
18 Exhibit No. 1, which is the ETC request dated 6-17-97,  
19 and Exhibit No. 2, which is the response to staff data  
20 request dated 10-24-97.

21 MS. WIEST: Any objection? If not, they've  
22 been admitted. Any questions concerning this docket?

23 CHAIRMAN BURG: I'll move that we grant a  
24 waiver on toll control in TC97-090 for one year.

25 COMMISSIONER NELSON: I'd second it.

1 COMMISSIONER SCHOENFELDER: Concur.

2 MS. WIEST: TC97-092.

3 MR. COIT: We move for the admission of  
4 Exhibit No. 1, which is the ETC request of Kennebec  
5 Telephone Company dated 6-18-97, and move for the  
6 admission of Exhibit No. 2, which is the response to  
7 staff data request dated 10-10-97. And I would note  
8 that Mr. Rod Bauer is here to respond to any questions  
9 that the Commissioners or staff may have concerning  
10 their request.

11 MS. WIEST: Any questions concerning this  
12 docket? If not, do you have a motion?

13 CHAIRMAN BURG: Did we admit both those?

14 MS. WIEST: I'm sorry, I did not. I will  
15 admit Exhibit Numbers 1 and 2.

16 CHAIRMAN BURG: I'll move that we grant a  
17 waiver on toll control in TC97-092 for one year.

18 COMMISSIONER NELSON: I'd second it.

19 COMMISSIONER SCHOENFELDER: Concur.

20 MS. WIEST: TC97-093.

21 MR. COIT: We would move for the admission of  
22 Exhibit No. 1, which is the ETC request of Jefferson  
23 Telephone Company, dated 6-18-97, and move also for the  
24 admission of Exhibit No. 2, response to staff data  
25 request, which is dated 10-10-97. And I would note

1 that Mr. Dick Connors is available to answer any  
2 questions concerning the Jefferson request.

3 MS. WIEST: Any objection to the exhibits?  
4 If not, they've been admitted. Any questions  
5 concerning this docket?

6 CHAIRMAN BURG: I'll move we grant a waiver  
7 for toll control in TC97-093 for one year.

8 COMMISSIONER NELSON: I'd second it.

9 COMMISSIONER SCHOENFELDER: Concur.

10 MS. WIEST: TC97-094.

11 MR. COIT: We'd move for the admission of  
12 Exhibit No. 1, which is the ETC request dated 6-19-97,  
13 and move for the admission of Exhibit No. 2, which is  
14 the response to data request dated 10-15-97.

15 MS. WIEST: Any objection to Exhibits 1 and  
16 2? If not, those exhibits have been admitted. Do you  
17 have any witnesses for this one?

18 MR. COIT: Mr. Lee is available for both  
19 Sully Buttes and Venture.

20 MS. WIEST: I just had a question. I guess,  
21 concerning single party service because in this one it  
22 does say should facilities not allow immediate single  
23 party service, Sully Buttes may offer multi-party  
24 service until the facilities are restored or installed  
25 to allow for single party service. Has that occurred

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1 in the past?

2 A. Currently Sully Buttes Telephone has no  
3 multi-line. The fact is all single party service. I  
4 think they added that language such that if there were  
5 a disaster that they had to respond to, they wanted to  
6 reserve the right to offer party line under the  
7 emergency basis only. But they have for a number of  
8 years been all single party service.

9 MS. WIEST: Any other questions?

10 CHAIRMAN BURG: I'll move we grant a waiver  
11 on toll control for TC97-094 for one year.

12 COMMISSIONER NELSON: I'd second it.

13 COMMISSIONER SCHOENFELDER: Well, I'll  
14 concur.

15 MS. WIEST: TC97-095.

16 MR. COIT: We would move for the admission of  
17 ETC, Exhibit No. 1, dated 6-19-97, and admission of  
18 Exhibit No. 2, response to data request dated  
19 10-15-97. I would point out that I believe that there  
20 might be an issue with respect to single party service  
21 waiver in this case as well.

22 MS. WIEST: Right. At this time are there  
23 any objections to Exhibit 1 and 2? If not, they've  
24 been admitted. Yes. And it would appear they would  
25 need a waiver. And my question for apparently they

1 have three multi-party customers and they plan to  
2 install single party service during the 1988  
3 construction season. So I guess my question is  
4 apparently they haven't asked for a waiver. Are you  
5 doing so at this time?

6 MR. COIT: Yes, we would on their behalf.  
7 And I think Mr. Lee would be able to respond to  
8 questions on that. I assume so anyway.

9 MR. LEE: Sure. But that would be correct.  
10 we do need a waiver. The same June 1 date would be  
11 acceptable to us.

12 MS. WIEST: June 1, okay.

13 CHAIRMAN BURG: I'll move we grant a waiver  
14 in single party service to June 1, 1998, in TC97-095.

15 COMMISSIONER NELSON: I would second that.

16 COMMISSIONER SCHOENFELDER: Sure, I'll  
17 concur.

18 CHAIRMAN BURG: And I'll also move that we  
19 grant a waiver for toll control on TC97-095 for one  
20 year.

21 COMMISSIONER NELSON: I'd second it.

22 COMMISSIONER SCHOENFELDER: Concur.

23 MS. WIEST: TC97-096.

24 MR. COIT: I move for the admission of ETC  
25 request, Exhibit No. 1, dated 6-19-97, and move for the

1 admission of Exhibit No. 2, response to data request  
2 dated 10-10-97.

3 MS. WIEST: Any objections? If not, they've  
4 been admitted. Any questions concerning this docket?

5 CHAIRMAN BURG: I'll move we grant a waiver  
6 on toll control in TC97-096 for one year.

7 COMMISSIONER NELSON: I'd second it.

8 COMMISSIONER SCHOENFELDER: Concur.

9 MS. WIEST: TC97-097.

10 MR. COIT: We move for the admission of  
11 Exhibit No. 1, ETC request, dated 6-19-97, and Exhibit  
12 No. 2, response to data request dated 10-10-97.

13 MS. WIEST: Any objections? If not, they've  
14 been admitted. Does anybody have any questions  
15 concerning this docket?

16 CHAIRMAN BURG: I'll move we grant a waiver  
17 for toll control in TC97-097 for one year.

18 COMMISSIONER NELSON: I'd second it.

19 COMMISSIONER SCHOENFELDER: Concur.

20 MS. WIEST: TC97-098.

21 MR. COIT: We move for the admission of ETC  
22 request dated 6-19-97, which is marked Exhibit No. 1,  
23 and admission of Exhibit No. 2, which is the response  
24 to data request dated 10-14-97.

25 MS. WIEST: Any objection to Exhibits 1 and

1 2? If not, they've been admitted. Are there any  
2 questions concerning this docket?

3 CHAIRMAN BURG: I'll move that we grant a  
4 waiver for toll control in TC97-098 for one year.

5 COMMISSIONER NELSON: I'd second it.

6 COMMISSIONER SCHOENFELDER: Concur.

7 MS. WIEST: TC97-099.

8 MR. COIT: We move for the admission of  
9 Exhibit No. 1, which is the ETC dated 6-19-97, and  
10 admission of Exhibit No. 2, which is the response to  
11 data request dated 10-9-97.

12 MS. WIEST: Any objection? If not, they've  
13 been admitted. I have the same question on this one.  
14 The question is do we have single party service, and  
15 the answer is yes?

16 MR. COIT: Mr. Lee, are you here for Roberts  
17 County or not?

18 MR. LEE: No.

19 MR. COIT: Then we probably need to handle  
20 that, I suppose, by the affidavit.

21 MS. WIEST: Okay.

22 MR. LEE: Rich, are we talking about Roberts  
23 County or --

24 MR. COIT: Roberts County.

25 MR. LEE: I know from another source other

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1 than this that as manager of the South Dakota  
2 Association of Telephone Co-ops and the daily requests  
3 we've had there that they do, in fact, provide all  
4 single party service throughout Roberts County Co-op,  
5 if that will suffice for your information here.

6 MS. WIEST: Is that sufficient?

7 MS. CREMER: That's sufficient.

8 MS. WIEST: Okay.

9 CHAIRMAN BURG: I'll move we grant a waiver  
10 for toll control in TC97-099 for one year.

11 COMMISSIONER NELSON: I'd second it.

12 COMMISSIONER SCHOENFELDER: Concur.

13 MS. WIEST: TC97-100.

14 MR. COIT: We move for the admission of  
15 Exhibit No. 1, which is the ETC request dated 6-19-97,  
16 and admission of Exhibit No. 2, response to data  
17 request dated 10-9-97.

18 MS. WIEST: Any objection? If not, they've  
19 been admitted. Same question on this one.

20 MR. LEE: I don't know the answer.

21 MR. COIT: There is -- Mr. Lee is not here  
22 representing RC Communications today, so I suspect  
23 we'll have to deal with that with a late-filed exhibit  
24 if that's okay.

25 MS. WIEST: Okay.

1           CHAIRMAN BURG: I'll move we grant a waiver  
2 for toll control in TC97-100 for one year.

3           COMMISSIONER NELSON: I'd second it.

4           COMMISSIONER SCHOENFELDER: Concur.

5           MS. WIEST: TC97-101.

6           MR. COIT: We move for the admission of  
7 Exhibit No. 1, which is the ETC request dated 6-19-97,  
8 and Exhibit No. 2, response to staff data request dated  
9 10-14-97.

10          MS. WIEST: Any objection? If not, they've  
11 been admitted. Any questions concerning this docket?

12          CHAIRMAN BURG: I'll move we grant waiver for  
13 toll control in TC97-101 for one year.

14          COMMISSIONER NELSON: I'd second it.

15          COMMISSIONER SCHOENFELDER: Concur.

16          MS. WIEST: TC97-102.

17          MR. COIT: We move for the admission of  
18 Exhibit No. 1, which is the ETC dated 6-19-97, and  
19 Exhibit No. 2, which is a response to data request  
20 dated 10-14-97.

21          MS. WIEST: Any objections? If not, 1 and 2  
22 have been admitted. Any questions concerning this  
23 docket?

24          CHAIRMAN BURG: I'll move we grant a waiver  
25 for toll control in TC97-102 for one year.

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1           COMMISSIONER NELSON: I'd second it.

2           COMMISSIONER SCHOENFELDER: Concur.

3           MS. WIEST: TC97-105.

4           MR. COIT: We move for the admission of ETC

5 request, Exhibit No. 1, dated 6-19-97, and admission of

6 Exhibit No. 2, response to data request dated 10-14-97.

7           MS. WIEST: Any objection? If not, Exhibits

8 1 and 2 have been admitted. Any questions concerning

9 this docket?

10          CHAIRMAN BURG: I'll move we grant a waiver

11 for toll control in TC97-105 for one year.

12          COMMISSIONER NELSON: I'd second it.

13          COMMISSIONER SCHOENFELDER: Concur.

14          MS. WIEST: TC97-108.

15          MR. COIT: We move for the admission of ETC

16 request, Exhibit No. 1, dated 6-23-97, and the

17 admission of Exhibit No. 2, response to staff data

18 request dated 10-14-97.

19          MS. WIEST: Any objection? If not, Exhibits

20 1 and 2 have been admitted. Same question. Can you,

21 Mr. Lee, answer that one? Is that single party service

22 available for --

23          MR. COIT: For Faith.

24          MR. LEE: I do not represent them, I'm sorry.

25          MR. COIT: We would request permission to

1 provide that via affidavit.

2 MS. WIEST: Okay.

3 CHAIRMAN BURG: I'll move we grant a waiver  
4 for toll control in TC97-108 for one year.

5 COMMISSIONER NELSON: I'd second it.

6 COMMISSIONER SCHOENFELDER: Concur.

7 MS. WIEST: TC97-113.

8 MR. COIT: We move for the admission of  
9 Exhibit No. 1, ETC request dated 6-25-97, and Exhibit  
10 No. 2, response to data requests dated 10-9-97.

11 MS. WIEST: Any objection? If not, they've  
12 been admitted. I have the same question on this one.

13 MR. COIT: This is Armour. Bill Haugen can  
14 respond to your question.

15 MR. HAUGEN: Yes, I can answer that.

16 BILL HAUGEN, JR.,  
17 called as a witness, being first duly sworn,  
18 was examined and testified as follows:

19 EXAMINATION

20 MR. HAUGEN: Good afternoon.

21 MS. WIEST: And I would just like to ask you  
22 if you currently provide single party service to all of  
23 your customers in your area.

24 MR. HAUGEN: Single party service is  
25 available to all of our customers in Armour independent

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1 Telephone Company service area. It has been since the  
2 late seventies.

3 MS. WIEST: Are there any others questions of  
4 this witness? Thank you.

5 CHAIRMAN BURG: I'll move we grant a waiver  
6 for toll control in TC97-113 for one year.

7 COMMISSIONER NELSON: I'd second.

8 COMMISSIONER SCHOENFELDER: Concur.

9 MS. WIEST: TC97-114.

10 MR. COIT: We move for the admission of ETC  
11 request of the Bridgewater-Canistota Telephone Company,  
12 which is dated 6-25-97, that's Exhibit No. 1. And also  
13 move for the admission of Exhibit No. 2, which is  
14 response to data requests of staff dated 10-9-97. And  
15 Mr. Haugen is here as well to respond to any questions  
16 in this docket.

17 MS. WIEST: First of all, any objection to  
18 Exhibits 1 and 2? If not, they've been admitted. And  
19 I would ask the same question.

20 MR. HAUGEN: Single party service is  
21 available to all the customers in the  
22 Bridgewater-Canistota Exchanges.

23 MS. WIEST: Thank you. Any other questions  
24 of this witness?

25 CHAIRMAN BURG: I'll move we grant a waiver

1 for toll control in TC97-114 for one year.

2 COMMISSIONER NELSON: I'd second it.

3 COMMISSIONER SCHOENFELDER: Concur.

4 MS. WIEST: TC97-115.

5 MR. COIT: We would move the admission of  
6 Exhibit No. 1, the ETC request of Union Telephone  
7 Company, dated 6-25-97, and Exhibit No. 2, response to  
8 data request which is dated 10-9-97.

9 MS. WIEST: Any objection? If not, Exhibits  
10 1 and 2 have been admitted. And I would ask the same  
11 question in this docket.

12 MR. HAUGEN: Single party service is  
13 available to all the customers in the Union Telephone  
14 Company service area, Hartford and Wall Lake Exchanges,  
15 again, has been since late seventies.

16 MS. WIEST: Thank you. Any other questions  
17 of this witness?

18 CHAIRMAN BURG: I'll move we grant a waiver  
19 for toll restriction in TC97-115 for one year.

20 COMMISSIONER NELSON: I'd second it.

21 COMMISSIONER SCHOENFELDER: Concur.

22 MS. WIEST: Thank you. TC97-117.

23 MR. COIT: We move for the admission of  
24 Exhibit No. 1, ETC request dated 6-30-97, and Exhibit  
25 No. 2, response to data request dated 10-14-97.

1 MS. WIEST: Any objection? If not, Exhibits  
2 1 and 2 have been admitted. Any questions concerning  
3 this docket?

4 CHAIRMAN BURG: I'll move we grant a waiver  
5 for toll control in TC97-117 for one year.

6 COMMISSIONER NELSON: I'd second it.

7 COMMISSIONER SCHOENFELDER: Concur.

8 MS. WIEST: TC97-121.

9 MR. COIT: We move for the admission of  
10 Exhibit No. 1, the ETC request of Kadoka, dated 7-3-97,  
11 and the admission of Exhibit No. 2, response to data  
12 requests dated 10-28-97.

13 MS. WIEST: Any objections to Exhibits 1 and  
14 2? If not, they've been admitted. Any questions  
15 concerning this docket?

16 CHAIRMAN BURG: I'll move we grant a waiver  
17 for toll control in TC97-121 for one year.

18 COMMISSIONER NELSON: I'll second it.

19 COMMISSIONER SCHOENFELDER: Concur.

20 MS. WIEST: TC97-125.

21 MR. COIT: We'd move for the admission of ETC  
22 request, Exhibit No. 1, dated 7-7-97, and Exhibit No.  
23 2, response to data request of staff, which is dated  
24 10-29-97.

25 MS. WIEST: Any objection to Exhibits 1 and

1 2? If not, they've been admitted. Any questions  
2 concerning this docket?

3 CHAIRMAN BURG: I'll move we grant a waiver  
4 for toll control in TC97-125 for one year.

5 COMMISSIONER NELSON: I'd second it.

6 COMMISSIONER SCHOENFELDER: Concur.

7 MS. WIEST: TC97-130.

8 MR. COIT: We would move for the admission of  
9 Exhibit No. 1, the ETC request dated 7-10-97, and  
10 Exhibit No. 2, the response to data request dated  
11 10-14-97.

12 MS. WIEST: Any objection to Exhibits 1 and  
13 2? If not, they've been admitted. Any questions  
14 concerning this docket?

15 CHAIRMAN BURG: I'll move we grant a waiver  
16 for toll control in TC97-130 for one year.

17 COMMISSIONER NELSON: I would second it.

18 COMMISSIONER SCHOENFELDER: Concur.

19 MS. WIEST: TC97-131.

20 MR. COIT: We would move the admission of ETC  
21 request Exhibit No. 1, which is dated 7-10-97, and  
22 Exhibit No. 2, response to data request dated 10-14-97.

23 MS. WIEST: Any objection to Exhibits 1 and  
24 2? If not, they've been admitted. Any questions  
25 concerning this docket?

1 CHAIRMAN BURG: I'll move we grant a waiver  
2 for toll control in TC97-131 for one year.

3 COMMISSIONER NELSON: I'd second it.

4 COMMISSIONER SCHOENFELDER: Concur.

5 MS. WIEST: TC97-154.

6 MR. COIT: We would move into the record  
7 Exhibit No. 1, the ETC request, dated 9-10-97, and also  
8 Exhibit No. 2, the response to data request dated  
9 10-16-97.

10 MS. WIEST: Any objection to Exhibit 1 and  
11 2? If not, they have been admitted. Let's see, on  
12 this one this was one of a couple that no time period  
13 was requested for the waiver. I assume you still want  
14 the one year?

15 MR. COIT: Mr. Barfield is here. He could  
16 respond. He's Mr. Bob Barfield, manager for West  
17 River.

18 MS. WIEST: They request a waiver but this is  
19 one of the few ones that didn't ask for one year, as  
20 far as I can see, or any time period. So I was  
21 wondering if there was any different time period that  
22 was being requested.

23 BOB BARFIELD,  
24 called as a witness, being first duly sworn,  
25 was examined and testified as follows:

EXAMINATION

1  
2 MR. BARFIELD: In response to your question,  
3 since the vendor does not have a date, as far as we  
4 know, at this time to provide this, that's the reason  
5 we didn't ask for a certain time period on the waiver.  
6 MS. WIEST: But we will need a time period.  
7 MR. COIT: Would you be willing to accept the  
8 one-year time period that is being granted to other  
9 companies?  
10 MR. BARFIELD: We sure would.  
11 CHAIRMAN BURG: And I think the thought  
12 behind it is if there still isn't any solution, then it  
13 would be renewed or we'd request. With that, I'll move  
14 that we grant a waiver for toll control in TC97-154 for  
15 one year.  
16 COMMISSIONER NELSON: I would second it.  
17 COMMISSIONER SCHOENFELDER: Concur.  
18 MS. WIEST: Let's go to TC97-155.  
19 MR. COIT: We would request admission of  
20 Exhibit No. 1, which is the ETC request of Moberge  
21 Telecommunications, which is dated 9-10-97, and also  
22 Exhibit No. 2, which is the response to data request  
23 dated 10-16-97.  
24 MS. WIEST: Any objection? If not, Exhibits  
25 1 and 2 have been admitted. And I would have the same

1 question with respect to the length of the waiver.

2 MR. BARFIELD: And the response would be the  
3 same. We would ask for a year on the waiver.

4 MS. WIEST: Thank you. Any other questions?

5 CHAIRMAN BURG: With that I'll move that we  
6 grant a waiver on toll control in TC97-155 for one  
7 year.

8 COMMISSIONER NELSON: I'd second it.

9 COMMISSIONER SCHOENFELDER: I concur.

10 MS. WIEST: Thank you. Let's skip to  
11 TC97-167.

12 MR. COIT: I would just note that Three River  
13 Telco is not an SDITC member company, so I'm not really  
14 here today to represent Three River Telco.

15 MS. WIEST: Nobody is here?

16 CHAIRMAN BURG: Do we have any questions on  
17 it, or do we have to have representation?

18 MS. WIEST: Somebody needs to move it in.

19 MR. COIT: Well, if you're looking for a  
20 body, I guess I can serve as the body.

21 MS. CREMER: Otherwise, I can move to admit  
22 the two exhibits, Number 1, 10-10-97, the request for  
23 ETC, and 11-7-97, the amended -- oh, I'm sorry, that's  
24 U S West. Let me try that again. 10-16 of '97 is the  
25 request and 11-13-97 is the amended request, and I

1 would ask that they be admitted in.

2 MS. WIEST: Any objection? If not, they've  
3 been admitted. Are there any questions concerning this  
4 docket? I would note that their application does  
5 request a waiver for one period for toll control.

6 CHAIRMAN BURG: There isn't a question on the  
7 single party line, though, is there?

8 MS. WIEST: No.

9 CHAIRMAN BURG: I'll move we grant a waiver  
10 for toll control in TC97-167 for one year.

11 COMMISSIONER NELSON: I'd second.

12 COMMISSIONER SCHOENFELDER: Concur.

13 MS. WIEST: At this time did you want to go  
14 to U S West, or is Harlan going to speak to these  
15 dockets?

16 MS. CREMER: We'll finish up these first.

17 MS. WIEST: Okay.

18 (STAFF'S EXHIBIT NO. 1 WAS MARKED FOR  
19 IDENTIFICATION.)

20 HARLAN BEST,  
21 called as a witness, being first duly sworn,  
22 was examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MR. HOSECK:

25 Q. Would you state your name for the record.

1 please.

2 A. Harlan Best.

3 Q. And what is your job?

4 A. I am deputy director of fixed utilities for  
5 the Public Utilities Commission, South Dakota.

6 Q. And have you been present in the hearing room  
7 this afternoon for the hearing on these applications?

8 A. Yes.

9 Q. And have you had the opportunity to review  
10 the caption in the notice of this hearing which lists  
11 the cases which are before the Commission on this date?

12 A. Yes.

13 Q. And are you familiar with the applications in  
14 each of these cases?

15 A. Yes.

16 Q. As a part of your job, have you reviewed  
17 those applications?

18 A. Yes, I have.

19 Q. You have before you an exhibit numbered  
20 Staff's No. 1; is that correct?

21 A. Yes.

22 Q. And is that an exhibit that you prepared in  
23 the course of your duties?

24 A. Yes, it is.

25 Q. Just briefly explain to the Commission,

1 please, what that exhibit entails.

2 A. What I have done on this exhibit is across  
3 the top is listed each of the companies requesting  
4 eligible telecommunications carrier status, the  
5 associated docket number, and the staff counsel that is  
6 assigned to the respective dockets. Down the side, the  
7 left-hand side, is the requirements that are set forth  
8 for ETC status. Populated within the columns is the  
9 responses that the respective companies gave within  
10 their exhibits 1 and Exhibit 2 that have been admitted  
11 into the record.

12 Q. And are there any changes or corrections to  
13 this exhibit that you would like to make at this time?

14 A. One that I am aware of is under Vivian  
15 Telephone, Docket TC97-068, under the Lifeline and Link  
16 Up it shows that it will be available 1-1-97. It  
17 should be 1-1-98. I'm not aware of any other  
18 corrections.

19 MR. HOSECK: Okay. At this point in time I  
20 would move Staff's Exhibit No. 1 into evidence. This  
21 is intended as testimony for all of the dockets en masse  
22 with the exception of U S West.

23 COMMISSIONER SCHOENFELDER: U S West is on  
24 here though.

25 MR. HOSECK: That would be handled later.

1 MS. WIEST: Is there any objection?

2 MR. COIT: My comment would be that I just  
3 received this so I haven't had an opportunity to go  
4 through to make sure this is all accurate. I guess I  
5 can take Mr. Best's word that it is accurate and I'll  
6 have to do that, I guess. Other than that, I don't  
7 have any comment.

8 MS. WIEST: Do you want an opportunity to  
9 look it over?

10 MR. COIT: Well, it might take me a while, so  
11 I don't have any objection.

12 MS. WIEST: Okay. Then Staff Exhibit No. 1  
13 will be admitted into all of the dockets that we have  
14 gone through so far.

15 MR. HOSECK: Okay. Thank you.

16 Q. Based on the review of these dockets that you  
17 have done and relying to whatever extent you may on  
18 Staff's Exhibit No. 1, did the applicant companies meet  
19 the requirements of becoming an eligible  
20 telecommunications carrier?

21 A. Yes, they have, with the noted late-filed  
22 affidavits that will be done in a number of the  
23 dockets.

24 Q. And with regard to advertising services  
25 exchange-wide, do you have a recommendation to the

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1 Commission for a provision to be included in an order  
2 which would come out of these proceedings?

3 A. Yes. Staff's recommendation for advertising  
4 would be that the ETC carrier be required to advertise  
5 at least once each year; and if they have any rate  
6 change, that that rate change be advertised when it  
7 does change.

8 Q. And in conclusion, do you have an opinion as  
9 to whether or not the applicants contained on Exhibit  
10 1, with the exception of U S West which has not had its  
11 case heard yet at this time, whether or not those  
12 applicants meet the qualifications as an eligible  
13 telecommunications carrier?

14 A. With staff's review that has been undertaken,  
15 yes, they do meet the requirements for ETC status.

16 MR. HOSECK: I have no further questions of  
17 this witness.

18 MS. WIEST: Are there any questions of this  
19 witness? Mr. Coit?

20 CROSS-EXAMINATION

21 BY MR. COIT:

22 Q. I assume when you talked about advertising  
23 rate changes that you're referencing the rates just for  
24 the essential services that are supported by universal  
25 service?

1 A. Yes.

2 MR. COIT: No further questions.

3 MS. WIEST: Ms. Rogers?

4 MS. ROGERS: No, no questions.

5 MS. WIEST: Mr. Heaston?

6 MR. HEASTON: No.

7 CHAIRMAN BURG: The only question I'd have is  
8 there any -- is advertising identified in any way? Is  
9 there any criteria for what advertising means in the  
10 context of this? Is the methods in the FCC Order as  
11 well?

12 MS. WIEST: I'm sorry, what was the  
13 question?

14 CHAIRMAN BURG: The question I had for Harlan  
15 or anybody else is, is there a meaning, is there a  
16 description, definition for advertising, what that  
17 constitutes?

18 MS. WIEST: Under the statute itself  
19 214(e)(1)(B) they must advertise the availability of  
20 such services and if you're referring to the services  
21 that are supported by federal universal service and the  
22 charges therefore using media of general distribution.

23 CHAIRMAN BURG: Okay. I think that satisfies  
24 me.

25 COMMISSIONER NELSON: Does that mean for

1 Lifeline and Link Up, they have to advertise this  
2 once?

3 MS. WIEST: That would be under staff's  
4 recommendation, I believe.

5 A. Yes, once each year.

6 COMMISSIONER NELSON: Well, frankly, I don't  
7 think it's adequate.

8 COMMISSIONER SCHOENFELDER: Are you doing  
9 that? Are you -- to follow up -- excuse me, to follow  
10 up on Commissioner Nelson's question, are you  
11 recommending that they advertise once each year after?  
12 I believe our order said that you have to send an  
13 application to everyone once initially and then to  
14 every new customer. You're requesting this  
15 advertisement of Lifeline, Link Up in addition to,  
16 would that be accurate or not?

17 A. Right. The Lifeline, Link Up under TC97-150,  
18 which was issued yesterday, states that it shall be --  
19 a form shall be, or a letter shall be sent to present  
20 customers, and then this would be an advertisement of  
21 it. They'd have to do advertisement of this for at  
22 least once each year.

23 COMMISSIONER SCHOENFELDER: Okay. Thank you.

24 COMMISSIONER NELSON: So is the answer to  
25 Laska's questions it's in addition to?

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1 A. Yes. They would do it originally, and once a  
2 year after.

3 MS. WIEST: How would they advertise?  
4 Where?

5 A. Where would they advertise?

6 MS. WIEST: Yes.

7 A. Whatever general distribution it meets  
8 according, I assume, it means newspapers and those  
9 types of publications.

10 MS. WIEST: So it could be any type of  
11 general distribution media once a year?

12 A. Whatever is available within their given  
13 exchanges that they serve.

14 MS. WIEST: And it would only be for those  
15 services supported right now by federal universal  
16 service?

17 A. Yes.

18 MS. WIEST: And every time they changed a  
19 rate for one of those services, then that would have to  
20 be re-advertised at that time?

21 A. Yes.

22 MS. WIEST: Are there any other questions of  
23 this witness? If not, thank you. Actually, I do.  
24 Could you retake the stand, Harlan? I guess we have a  
25 question for you. Could you look at your exhibit for

1 Venture Communications, TC97-095?

2 A. Yes.

3 MS. WIEST: Does the answer to number four,  
4 single party service, we did grant them a waiver  
5 because currently they do not have single party service  
6 apparently to three customers?

7 A. Yes.

8 MS. WIEST: So would that be incorrect there,  
9 your question there?

10 A. It would be a clarification there to it, yes.

11 MS. WIEST: Okay. Thank you. Do you have  
12 anything further, Mr. Hoseck?

13 MR. HOSECK: Staff has nothing further.  
14 Thank you.

15 MS. WIEST: Do you want to take a short break  
16 until we go to U S West?

17 MR. COIT: When does the Commission -- are  
18 you going to wait until the end to rule on all of these  
19 with respect to the actual ETC designation?

20 MS. WIEST: That's why we're taking a short  
21 break.

22 (AT THIS TIME A SHORT RECESS WAS TAKEN.)

23 MS. WIEST: Let's get started again. And we  
24 will go to TC97-163.

25 MR. HEASTON: And I would move admission of

1 Exhibit 1, which is the request, and Exhibit 2, which  
2 is the amended request, and Exhibit 3, which is the  
3 service territory map. That's Exhibit 1, 2 and 3  
4 respectively in the docket.

5 MS. WIEST: Any objection to Exhibits 1, 2  
6 and 3? Do you have a copy of the service territory  
7 map? Are there any objections to Exhibits 1, 2 and 3?  
8 If not, they've been admitted. You may proceed,  
9 Mr. Heaston.

10 MR. HEASTON: We would also join in the  
11 motion on the toll control. The reason we did not seek  
12 a waiver in the initial application is because as I  
13 read Paragraph 388 of the Order in the DA 97-157  
14 indicated that toll blocking would be sufficient in the  
15 meantime and it was dependent upon when you upgraded  
16 switches. And so we do not feel we need a waiver of  
17 toll control, but the common wisdom seems to be there  
18 needs to be a waiver, so we will follow the herd here  
19 and request the toll control waiver also.

20 And we are also one of the parties to the  
21 request of the FCC to reconsider the toll limitation,  
22 that this includes both toll blocking and toll  
23 control. And I guess we would also point out that with  
24 the implementation of number portability that is going  
25 to impact toll control somewhat significantly. And so

1 while we agree with Bob Barfield in his observation  
2 that since we don't know when it's going to happen,  
3 that's why we wouldn't want a time limit on it, but we  
4 are willing to accept the one year with the  
5 understanding that if there is not the ability to  
6 implement it or if the ability is too expensive to  
7 implement, that we would be able to come back to this  
8 Commission and seek further waiver of that, of  
9 implementing toll control with part of the essential  
10 telecommunications carrier obligation.

11 MS. WIEST: Okay. Would the Commissioners --

12 CHAIRMAN BURG: Did we admit the exhibits?

13 MS. WIEST: Yes.

14 CHAIRMAN BURG: I'll move that we waive toll  
15 control for TC97-163 for one year.

16 COMMISSIONER NELSON: Well, I'm going to  
17 second it, but I heard an expansion of what we've been  
18 waiving in the past from giving them one year with the  
19 idea we're going to renew it. And the reason I was  
20 willing to grant it is because technology is not out  
21 there. Now, the Act requires that it be there and it  
22 didn't say anything about how much it cost. So I  
23 didn't hear anything about one of the reasons we were  
24 waiving it in the past was because that it might be  
25 cost prohibitive as much as because technology wasn't

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1 there. I can understand why technology wasn't there,  
2 but I didn't -- I wasn't in Congress when they voted  
3 that was part of the Act.

4 MR. HEASTON: It's not part of the Act. I  
5 guess that's the first thing. It's an FCC --

6 COMMISSIONER NELSON: It's a rule.

7 MR. HEASTON: It's an FCC dictate.

8 COMMISSIONER NELSON: But it has the same  
9 weight as the rules and statute unless it's changed in  
10 court; right?

11 MR. HEASTON: That's true. But unless the  
12 FCC changes, as we've urged them to do.

13 COMMISSIONER NELSON: Right. So I'm  
14 seconding your motion with the understanding it's  
15 exactly as we had stated it originally; is that  
16 correct?

17 CHAIRMAN BURG: I mean the motion was for one  
18 year.

19 COMMISSIONER SCHOENFELDER: I believe the  
20 motion was for one year, a waiver for one year, and I  
21 didn't know that the motion had anything more than  
22 that, than just a waiver from toll control for one  
23 year.

24 CHAIRMAN BURG: It doesn't.

25 COMMISSIONER SCHOENFELDER: Then I'll concur.

1           COMMISSIONER NELSON: All I'm saying, though,  
2 is I voted for it and there will be a record that I  
3 voted for it; and the reason I voted for it was the  
4 technology wasn't available. And that's a lot  
5 different in my mind than it's cost prohibitive.

6           COMMISSIONER SCHOENFELDER: I think --

7           COMMISSIONER NELSON: Not that that wouldn't  
8 be an issue in my mind that you could debate. I don't  
9 want a record that I'm supporting something for a  
10 different reason than I did.

11           CHAIRMAN BURG: Just a comment that I'd make  
12 on it, I guess. If there isn't a technology, I really  
13 hate to see all 50 or 75 filings just for an  
14 extension. If there is some way we could certify there  
15 is no technology and extend it as we come up towards  
16 that year, I'd welcome that solution rather than go  
17 through this with this many of them. I, personally, in  
18 my own mind, cannot see a solution when we're going to  
19 have multiple companies in number portability. It  
20 boggles my mind to see how that's even going to happen  
21 that you could end up with any kind of toll  
22 limitation. So I'm guessing when we come up to the  
23 year, we're still not going to have a solution, and I'm  
24 not looking toward to requiring all of you -- I mean  
25 that's the name of a bureaucrat to file that many

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1 pieces of paper. So if we can find a way to  
2 consolidate it at that time, I would welcome any  
3 suggestions. That's all I have.

4 MR. HEASTON: I have Mr. Lehner available  
5 here, and we do have a couple questions to ask him.

6 JON LEHNER,

7 called as a witness, being first duly sworn,  
8 was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MR. HEASTON:

11 Q. Mr. Lehner, in our application we described  
12 the issue of eliminating multi-party services and going  
13 to single party service throughout U S West service  
14 areas. Can you update the Commission on the status of  
15 that consistent with what we've already put in the  
16 application?

17 A. Yes. As of October 31 of this year the  
18 number of multi-party or two- and four-party customers  
19 in U S West's territory is 612. 612.

20 CHAIRMAN BURG: What was the date on that,  
21 Jon?

22 A. As of 10-31-97.

23 Q. And what can you tell the Commission about  
24 our continuing effort to eliminate the multi-party  
25 service?

1           A.    The plan right now is to eliminate all of  
2 those 612 except for 52 of them.  And the time frame  
3 for that will be by the end of the second quarter,  
4 which I suppose we could put for a date of 6-30 of  
5 '98.  So all but 52 of those will be completed by 6-30  
6 of '98.

7           Q.    And what about the remaining 52?

8           A.    The remaining 52 are extremely high cost  
9 upgrades.  And until other technology or other means  
10 become available, there are no plans right now.  We  
11 have no plans to move ahead with those 52.

12          Q.    With that we still believe that it is  
13 appropriate for us to -- we still believe the waiver is  
14 appropriate in this case; is that correct?

15          A.    That is correct.

16               MR. HEASTON:  That's all the questions I  
17 have.

18               MS. WIEST:  Ms. Cremer?

19                               CROSS-EXAMINATION

20 BY MS. CREMER:

21          Q.    Mr. Lehner, where are those 52 located?  Are  
22 they spread throughout, or are they in a specific area,  
23 do you know?

24          A.    I could read them off for you.  There's about  
25 a dozen exchanges.  Or I could give you a late-filed

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1 exhibit. Let me just read them off. Arlington is  
2 four; Belle Fourche, six; De Smet, four; Huron, three;  
3 Lake Preston, one.

4 COMMISSIONER NELSON: Do you want to start  
5 over?

6 A. Arlington, four; Belle Fourche, six; De Smet,  
7 four; Huron, three; Lake Preston, one; Madison, two;  
8 Milbank, four; Pierre, two; Redfield, two; Sisseton,  
9 six; Spearfish, two; Volga, five; Watertown, ten;  
10 Yankton, one.

11 Q. Is there a particular reason? Is it like  
12 Anaconda line or something?

13 A. It's a combination of many factors, but you  
14 mean as far as the 52 are concerned?

15 Q. Yes.

16 A. It's a combination of many factors. We're  
17 talking about feeder distribution, we're talking about  
18 in some cases a PAIR GAIN systems like Anaconda that  
19 would need to be replaced.

20 MS. CREMER: Okay. That's all the questions  
21 I have.

22 CHAIRMAN BURG: Have you investigated any  
23 other technical solutions other than to a single party  
24 other than line extension?

25 A. You mean in order to provide a single party

1 service to these customers?

2 CHAIRMAN BURG: Yes.

3 A. Yes. I think the answer is we are constantly  
4 looking for a cheaper way to do this because in some  
5 cases, Commissioner, we're talking about over \$100,000  
6 to upgrade a single customer, and it just doesn't make  
7 sense to do that. And the answer would seem to lie  
8 probably in some form of wireless, but so far the  
9 wireless technologies, whether then satellite or fixed  
10 wireless, are still pretty expensive. I see that as  
11 the ultimate solution, though, to some of these.

12 CHAIRMAN BURG: I'm going to move to grant  
13 the waiver.

14 MS. WIEST: Just a second. Do the  
15 Commissioners have any other questions? As opposed to  
16 the other ones, I'm going to have to ask you some  
17 questions to verify things that were in the application  
18 because that was signed by Mr. Heaston. It wasn't  
19 signed by a witness with an affidavit, as all the  
20 others were. So bear with me for a second.

21 A. I've never trusted his signature either.

22 MS. WIEST: First one, does U S West provide  
23 voice grade access to the public switched network to  
24 all in its service area?

25 A. Yes.

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1 MS. WIEST: And does it provide local usage?

2 A. Yes.

3 MS. WIEST: Do you provide dual tone  
4 multi-frequency signalling or its functional  
5 equivalent?

6 A. Yes.

7 MS. WIEST: Do you provide access to your  
8 emergency services?

9 A. Yes.

10 MS. WIEST: Do you provide access to operator  
11 services?

12 A. Yes.

13 MS. WIEST: Do you provide access to  
14 interexchange service?

15 A. Yes.

16 MS. WIEST: And do you provide access to  
17 directory assistance?

18 A. Yes.

19 MS. WIEST: And you've already talked about  
20 toll control and the waiver. Do you provide or are you  
21 able to provide toll blocking?

22 A. Yes.

23 MS. WIEST: Then getting back to your request  
24 for the waiver on single party service, I know in your  
25 application you talked about the ones that you have no

1 plans, you know, of providing service due to the cost  
2 and everything. My problem, I guess, is that I don't  
3 see that there is any de minimus exception within the  
4 FCC rules with respect to single party service. Have  
5 you been granted any of this type of de minimus  
6 exception to that requirement, do you know, in any of  
7 the other states?

8 A. I am not aware.

9 MS. WIEST: And what I'm getting at is that  
10 it appears, according to the FCC rules -- and I'm  
11 looking at 47 54.101(c), that in order to grant any  
12 additional time to complete network upgrades for single  
13 party or enhanced 911 or toll limitation, that the  
14 Commission does in fact have to set a time period for  
15 you to complete those network upgrades. Is your  
16 contention that we do not?

17 A. I would not make that contention. I'm going  
18 to let my attorney argue with you about that.

19 MS. WIEST: Well, then, I do have a couple  
20 other questions. My other question is on service  
21 area. And it is also a requirement of the state  
22 Commission to designate service areas as opposed to  
23 study areas for nonrural telecommunications companies.  
24 First of all, you would agree that you are a nonrural  
25 telecommunications company?

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1 A. Yes.

2 MS. WIEST: And in the FCC's public notice  
3 96-45 issued 9-29-97, it does state that we must send  
4 to USAC the names of the ETC's and the designated  
5 service areas for nonrural carriers no later than  
6 December 31st, 1997. And I know you made some  
7 reference to these things in your application, but I  
8 don't think you really told us what you want your  
9 service area to be. Because the FCC has told us that  
10 we better not adopt your study area as your service  
11 area for large ILEC's. Do you have service areas for  
12 your company that you want the Commission to adopt at  
13 this time?

14 A. Well, I suppose that -- and, Bill, jump in  
15 here, I guess, to help me with this. But I suppose  
16 that our service area ought to be our exchanges in the  
17 state of South Dakota. Now, the study area is a  
18 different issue and that has not been determined yet.  
19 But I would think that our service area would be our  
20 exchanges that we serve in the state of South Dakota.

21 MR. HEASTON: If I may from a legal  
22 standpoint, there is no definition yet; and certainly  
23 our service area would be those areas within which we  
24 are authorized to provide the supported services.

25 MS. WIEST: Right. And that's my question.

1 MR. HEASTON: From a general perspective, I  
2 guess, if that's what you're looking for is what you  
3 would designate to the FCC would not be anything  
4 outside the area where we're authorized or certified to  
5 provide service. When it comes to where the areas are  
6 going to be that would be where the services would be  
7 supported by a universal service fund, whether it's  
8 high cost or low income or libraries or whatever it  
9 happens to be, you know, that's an area that's  
10 currently under debate depending upon which proxy cost  
11 model is going to be accepted. And so that's why we  
12 are somewhat vague on that term because what this  
13 Commission has not done and nor has the FCC come out  
14 with any final decision as to what model it is going to  
15 accept. So I think if we're required to take a look at  
16 a "service area," I would do it from the standpoint of  
17 what Jon -- to comply with the law. If that's what  
18 we're looking for, to comply with the FCC requirement.  
19 I think that's what we would look at is an area,  
20 though, no larger than an exchange area, which we would  
21 equate to a wire center or an exchange area. And we  
22 have however many are on that.

23 MS. WIEST: He how many exchanges do you  
24 still have?

25 MR. HEASTON: It's on the list we submitted.

1 A. I can't answer that exactly. It's  
2 approximately 35.

3 MS. WIEST: It would be attached?

4 MR. HEASTON: It's on our exhibit to our  
5 application.

6 MS. WIEST: So however many with the  
7 amendment the three that were missed. That's how many  
8 service areas you would like the Commission to  
9 designate for U S West at this time?

10 A. I guess I'm not sure whether we would want to  
11 designate each exchange.

12 MS. WIEST: My problem is we are supposed to  
13 tell the FCC by December 31st what your designated  
14 service area is.

15 A. Then I suppose we ought to do it exchange by  
16 exchange.

17 MS. WIEST: If you want more time to think  
18 about it --

19 MR. HEASTON: Yes, I think I would. I mean  
20 this is not something that's come up in the other two  
21 states that I've done this in, and I had the same basic  
22 application. I will have to -- I will do a late-filed  
23 exhibit on that if I could with an affidavit from Jon.

24 MS. WIEST: Okay.

25 MR. HEASTON: What are you relying on again,

1 Rolayne?

2 MS. WIEST: Actually what as far as the FCC's  
3 public notice, that was docket 96-45 DA 97-1892 issued  
4 9-29-97.

5 MR. HEASTON: 1892.

6 MS. WIEST: And I'm also relying on  
7 paragraphs 185, 192, 193 of the FCC's universal service  
8 order.

9 MR. HEASTON: 197, 175.

10 MS. WIEST: 157 or --

11 MS. CREMER: 185, 192.

12 MS. WIEST: The docket number for the FCC  
13 universal service.

14 MR. HEASTON: Not the docket number but the  
15 order number, the order number.

16 MS. WIEST: Okay. I was looking at 185, 192  
17 and paragraph --

18 MR. HEASTON: I got those. Was it FCC  
19 97-157?

20 MS. WIEST: 157, right. And the other thing  
21 you might want to address in paragraph 185, for  
22 example, it does say if a state PUC adopts its existing  
23 service areas for large ILEC's, their study area, this  
24 would erect significant barriers to entry. We are also  
25 encouraged to consider designating service areas that

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1 require an ILEC to serve areas other than they have not  
2 traditionally served.

3 MR. HEASTON: Yes. And, see, this -- what  
4 the problem this causes is where you have not  
5 considered and have left to the FCC to determine how  
6 that's going to be modeled from a proxy standpoint.  
7 And, yes, we are advocating smaller geographic elements  
8 than the wire center for universal high cost support  
9 but I do not have a South Dakota specific look because  
10 this Commission decided not to do their own earlier  
11 this -- a couple months ago, as opposed to Wyoming and  
12 North Dakota where I do have that because those two are  
13 looking at doing their own, or suggesting their own  
14 cost study. So I do have the small grids, as we call  
15 it, and I could identify that for you. I cannot  
16 identify anything smaller than right now than a wire  
17 center.

18 MS. WIEST: Okay.

19 MR. COIT: Excuse me, may I comment briefly  
20 on this? And I understand that I'm not a party but I  
21 do believe it was my understanding today that the whole  
22 issue of disaggregated service areas for U S West or  
23 any other company may come up. But I would like to say  
24 we certainly have an interest in the issue. And I  
25 think that the FCC rules indicate that -- the orders

1 and the rules indicate that before changing an existing  
2 service area, that the Commission at the state level  
3 needs to find that it's consistent with universal  
4 service requirements. So I think it's a really  
5 involved -- involves a lot more than the review of  
6 actually looking at ETC service obligations. You're  
7 talking about making changes in a U S West service area  
8 that could significantly change the level of support it  
9 might receive under a federal universal service fund.  
10 Decisions on U S West service area disaggregation and  
11 so forth could certainly impact rural telephone  
12 companies as well. And I guess going into this  
13 proceeding it was our understanding that there are  
14 certain established incumbent LEC service areas, and we  
15 didn't understand, I guess, that we -- that the issue  
16 in this U S West docket or any of the other ones would  
17 be with regard to disaggregating service areas.

18 MS. WIEST: I'm not talking about  
19 disaggregating service areas. And I think you have to  
20 recognize the distinction that was made between  
21 nonrurals and rural companies with respect to service  
22 area. If we want to look at doing anything to rural  
23 companies with respect to disaggregation, we have to  
24 specifically petition the FCC. That's all I'm talking  
25 about, and that's the reason why I only brought up this

1 issue with respect to U S West. And it's just my  
2 understanding the Commission does have to do the  
3 service area in order for U S West to get your  
4 universal service money.

5 MR. HEASTON: If I could have until whatever  
6 date was suggested earlier on getting the additional  
7 affidavits in, I'll have a recommendation for you from  
8 U S West on that.

9 MS. WIEST: Okay. Are there any other  
10 questions of this witness? One more question,  
11 Mr. Lehner. Do you have any observation to what  
12 Mr. Best suggested as advertising requirements for your  
13 company?

14 A. I'm not sure that I understood exactly what  
15 he was requiring. If the requirement is to advertise  
16 it once a year in the newspaper, I don't think we have  
17 a problem with that.

18 MS. WIEST: And getting back to single party  
19 service is high cost, the only barrier is to provide  
20 single party service to those 52 customers?

21 A. Yes.

22 MS. WIEST: Is it also U S West's position  
23 that the settlement agreement that you've stated is  
24 suspended concerning single party service no longer  
25 applies where I believe you stated you would have

1 single party service to all customers by the year 2000?

2 A. Had the 121 investment program continued, I  
3 would have been out here talking to the staff and to  
4 you about these anyway, because as we honed down to  
5 some to the last few on some of these exchanges, it  
6 became obvious that this was -- this is foolish to  
7 spend that kind of money with the current technology.  
8 Just doesn't make any sense.

9 MS. WIEST: That's all I have. Mr. Heaston,  
10 you might also want to address the question of whether  
11 the Commission has the authority to provide any de  
12 minimus exception to the single party without putting  
13 the time line on it.

14 MR. HEASTON: I don't know that de minimus is  
15 the issue, but I do think that you could put a time  
16 line on it and make it renewable that we would have to  
17 come in. I think what the rule would allow you to do  
18 is require us to come in on a regularly-scheduled  
19 basis, maybe annually, maybe semi-annually, to update  
20 the Commission of where we are technologywise in taking  
21 care of these last 52. That would be my position on  
22 this is that that puts a time limit on and it makes it  
23 driven by the technology and the affordability of it.

24 MS. WIEST: Okay. Any other questions?

25 COMMISSIONER SCHOENFELDER: I have a question

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1 of Mr. Lehner. And the reason I have a question is  
2 because in your amended application you might have  
3 addressed it, however, I don't have a copy of that and  
4 I apologize. But you addressed in here and you have an  
5 exhibit on your original application that regards  
6 Lifeline, Link Up. And basically what it is it's your  
7 tariff, or a page that looks like a tariff page to me.  
8 Now, U S West really intends to comply with the  
9 Commission order in Lifeline, Link Up?

10 A. Absolutely.

11 COMMISSIONER SCHOENFELDER: I need to know  
12 that.

13 A. And that page doesn't apply any more.

14 COMMISSIONER SCHOENFELDER: Thank you.

15 MS. WIEST: Any other questions? Thank you.

16 COMMISSIONER NELSON: I guess I have a  
17 question. You know, you -- when you were talking about  
18 why you shouldn't have to provide this single party  
19 systems for these areas that you listed like Spearfish  
20 and Pierre and all the list that you went through --

21 A. Yes.

22 COMMISSIONER NELSON: Why would it -- it just  
23 seems weird to me that it would be that expensive to  
24 provide those services in some areas. Like Pierre and  
25 Huron, those are pretty -- I mean can you explain that

1 to me a little bit because I find that a little odd.

2 A. The high cost we're talking about in many  
3 cases, not only replacing, we're talking about  
4 customers that were engineered probably back in the  
5 sixties and seventies to multi-party service with no  
6 intention of having single party service. So we're  
7 talking in many cases miles and miles of distribution  
8 cable, some cases six pair, 11 pair, maybe even greater  
9 pair. So we're talking about now having to replace  
10 that cable with probably 50 pair or a hundred pair  
11 cable. And we're also talking about many cases where  
12 at the end of that cable we have to extend what some  
13 people will call a drop, what I call a pair of wires,  
14 sometimes several miles. And in order to provide  
15 single party service -- well, I take that back in that  
16 case. The drop piece of that will be okay. I was  
17 thinking of if they have more than one line. But we're  
18 talking about distribution cable, we're talking about  
19 feeder, and we're talking in some cases about PAIR GAIN  
20 systems that are just plain full. I'm talking about  
21 systems that you've heard like Anaconda that are going  
22 to need to be replaced. It's expensive.

23 COMMISSIONER NELSON: I guess in my mind it  
24 seems to me that cost prohibitive -- I didn't exactly  
25 envision exactly what you were just explaining to me

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1 because I was thinking maybe these lines had to be run  
2 out miles and miles and miles and there's nobody out  
3 there or something. But if this is in a fairly  
4 populated area, and it doesn't seem to me that these  
5 people should have to live with just two party  
6 telephone system when most of the world doesn't, as we  
7 know it in South Dakota, doesn't have to do that  
8 because the lines are all filled up. I mean I'm  
9 looking for some reason why that's acceptable,  
10 especially when some of those little companies are  
11 saying that they got maybe three or four people left  
12 that they don't have that service for and they've made  
13 every effort to say, well, we want a waiver but we will  
14 do it by the end of the year or whatever.

15 A. I think that most of the companies you've  
16 been listening to up until now -- and I obviously can't  
17 speak for them, but I think you're talking about  
18 engineering that was done probably 15, 20 years ago in  
19 most of these companies' cases where they at the time  
20 spent the money to do that. We did not do that. We  
21 provided distribution systems that were literally  
22 designed not to provide single party service. There  
23 are different funding mechanisms and different  
24 requirements that we've had. They've had the ability  
25 to spend that kind of money and recover it. Now, I can

1 spend \$100,000 or \$150,000 or 50,000, whatever it is,  
2 to do these, but somewhere that has to be recovered and  
3 it isn't going to be recovered from a customer. That  
4 customer isn't going to pay for that.

5           COMMISSIONER NELSON: It seems to me this  
6 flies in the face of what the governor's bill said last  
7 year. I mean here we're talking making available high  
8 technology to everybody in South Dakota. Basically  
9 that's what the bill says. And we're talking here some  
10 people that aren't even going to have single party  
11 telecommunication in this state.

12           A. Commissioner, all I can tell you is what the  
13 cost is. And I think that's -- I think that's, unless  
14 there's a recovery mechanism, it would make no sense to  
15 spend that kind of money. And I certainly wouldn't  
16 recommend it.

17           CHAIRMAN BURG: The question I have in the  
18 LEC industry when we have these kind of situations once  
19 in a while there's another provider that is closer that  
20 can do it. Would that be the case to any of these?  
21 Would that be a reasonable solution ever?

22           A. Yes, it would. And, Commissioner, if there  
23 is any company in this room that would like to serve  
24 any of these 52, I would be happy to negotiate.

25           CHAIRMAN BURG: I think maybe when we're down

1 to 52, we ought to get a list of those names and see if  
2 we could work it out. I share what Counsel has said.  
3 I'm not sure we can make the exception. I know that  
4 U S West's counsel has given us what I call a short  
5 term one, that in other words, we could give the waiver  
6 for a limited period of time, but I don't know that's  
7 an indefinite solution and we probably ought to work --  
8 look at working together to meet and find the solution  
9 to meet the FCC rules I think if we can. But so many  
10 -- maybe, I guess, what I would like to request is the  
11 actual name and location of those 52 filed at some  
12 time. I don't care whether it's part of this docket or  
13 not.

14 A. I think that can be provided.

15 MS. WIEST: Any other questions? If not,  
16 thank you.

17 CHAIRMAN BURG: I suppose we do need some  
18 type of waiver in order to grant them an ETC status.

19 MS. WIEST: Sorry, for which now?

20 CHAIRMAN BURG: For single party.

21 MS. WIEST: At this time staff has a witness  
22 on this case first.

23 MS. CREMER: Staff would call Harlan Best.

24 HARLAN BEST,

25 called as a witness, being previously sworn,

DA. AN. 44-0

1 was examined and testified as follows:

2 DIRECT EXAMINATION

3 BY MS. CREMER:

4 Q. Harlan, were you the analyst assigned to  
5 TC97-163, U S West's application?

6 A. Yes.

7 Q. And have you reviewed that application by U S  
8 West?

9 A. Yes.

10 Q. And would you agree with Mr. Lehner when he  
11 testified earlier that they met all the requirements of  
12 47 CFR 54-101?

13 A. That they have met those?

14 Q. Yes.

15 A. Yes, with the discussion that we've had on  
16 single party.

17 Q. Right. Okay. And at your recommendation for  
18 advertising, would that be the same for U S West as it  
19 was for the others?

20 A. Yes.

21 Q. And what would your recommendation be for the  
22 Commission in defining a service area for U S West?

23 A. It would be the wire center.

24 MS. CREMER: That's all the questions I would  
25 have.

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1 MS. WIEST: Any questions, Ms. Wilka?

2 MS. WILKA: No questions.

3 MS. WIEST: Commissioners?

4 CHAIRMAN BURG: The question I'd have is  
5 based on that, should we not -- I mean is this -- what  
6 do I call it? Is this a document that is filed in  
7 these hearings?

8 MS. CREMER: Yes.

9 CHAIRMAN BURG: I guess I think we ought to  
10 correct that exhibit to put no on each of those that  
11 we've made a waiver for on the single party because I  
12 believe the answer is no and we've made a waiver to  
13 satisfy that.

14 MS. CREMER: Okay.

15 CHAIRMAN BURG: Since that's filed.

16 COMMISSIONER SCHOENFELDER: We have not moved  
17 for a waiver in that area, have we?

18 CHAIRMAN BURG: Yes, for six months on one  
19 other company.

20 MS. WIEST: We have two single party waivers  
21 so far, but U S West we haven't moved yet; right?

22 CHAIRMAN BURG: But if we do and for any we  
23 do, since he's a witness on the stand and this is his  
24 document, I think that this document should be  
25 corrected to reflect, no, they do not meet that to

1 coincide with the waivers we've given.

2 MS. CREMER: Okay.

3 CHAIRMAN BURG: I guess I don't know. What  
4 do we need to do to make sure that correction is made?

5 MS. WIEST: I believe there are three  
6 companies that do not at this time provide single party  
7 service, so all they would have to do is change that  
8 yes to no for those Stateline, Venture, and U S West;  
9 right?

10 CHAIRMAN BURG: And the testimony on the  
11 record is adequate to accomplish that?

12 MS. WIEST: Yes.

13 CHAIRMAN BURG: Okay. That's all I  
14 wondered.

15 MS. WIEST: So how many wire centers does U S  
16 West have?

17 A. 38.

18 MS. WIEST: 38. Thank you. Any other  
19 questions of this witness?

20 MS. CREMER: No.

21 MS. WIEST: Would you like to admit this  
22 docket for the purposes of this docket? Before I only  
23 admitted it for the other dockets.

24 MS. CREMER: Actually I wasn't going to move  
25 it into this one because people testified to it, so I

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1 didn't really need it in mine. But I can certainly  
2 move it.

3 MS. WIEST: It's up to you.

4 MS. CREMER: We don't need it in this docket.

5 MS. WIEST: Any other questions of this  
6 witness? Thank you. Anything else from any of the  
7 parties? At this time I believe the Commission will  
8 take these matters under advisement. We are waiting  
9 for some late-filed exhibits in some dockets, and it  
10 will be possible that perhaps the Commission will make  
11 the decisions either at a Commission meeting or at the  
12 December 2nd hearing on some other related ETC  
13 dockets. Are there any questions from anybody or any  
14 comments?

15 MR. COIT: I would just, for the record, like  
16 to formally request that the Commission designate each  
17 of the -- based upon the record, the affidavits yet to  
18 be submitted, that the Commission designate each of the  
19 rural telephone companies, SDITC member companies, as  
20 ETC's and that their study areas be designated as their  
21 service area. That's all I have.

22 MS. WIEST: Thank you. That will close the  
23 hearing.

24 (THE HEARING CONCLUDED AT 3:50 P.M.)  
25

1 STATE OF SOUTH DAKOTA )  
2 COUNTY OF HUGHES )

3

4 I, Lori J. Grode, RMR, Notary Public, in and  
5 for the State of South Dakota, do hereby certify that  
6 the above hearing, pages 1 through 89, inclusive, was  
7 recorded stenographically by me and reduced to  
8 typewriting.

9 I FURTHER CERTIFY that the foregoing  
10 transcript of the said hearing is a true and correct  
11 transcript of the stenographic notes at the time and  
12 place specified hereinbefore.

13 I FURTHER CERTIFY that I am not a relative or  
14 employee or attorney or counsel of any of the parties,  
15 nor a relative or employee of such attorney or counsel,  
16 or financially interested directly or indirectly in  
17 this action.

18 IN WITNESS WHEREOF, I have hereunto set my  
19 hand and seal of office at Pierre, South Dakota, this  
20 1st day of December, 1997.

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Lori J. Grode, RMR

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