

TC97-177

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TC97-177

DOCKET NO.

In the Matter of IN THE MATTER OF THE FILING BY  
 DICKEY RURAL COMMUNICATIONS,  
 INC. FOR DESIGNATION AS AN  
 ELIGIBLE TELECOMMUNICATIONS  
 CARRIER

## Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

DATE	MEMORANDA
11/3/97	Filed and Accepted;
11/6/97	TC Fed. Filings;
11/21/97	Order for and Notice of Hearing;
12/5/97	Transcript of Hearing held on 12/2/97
12/17/97	Findings and Conclusions of Law, Order and Notice of Entry of Order;
12/17/97	Notice Closed
12/22/97	Referrals and Tentative Plan for Dickey

TC97-177



TELEPHONE 701-349-1987  
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P.O. BOX 69  
9628 HWY. 281

• ELLENDALE, NORTH DAKOTA 58436-0069

*Dickey Rural Communications, Inc.*  
*Dickey Rural Enterprises, Inc.*

October 30, 1997

Mr. William Bullard, Jr., Executive Director  
South Dakota Public Utilities Commission  
State Capitol Building  
500 East Capitol Avenue  
Pierre, SD 57501-5070

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SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

Mr. Bullard:

The attached is submitted by Dickey Rural Communications, Inc., Ellendale, North Dakota, seeking designation for Eligible Telecommunications Carrier. Included is one original and ten copies.

Sincerely,

Roger L. Johnson  
General Manager

RLJ/jc  
Enc.

*Quality Service*

TC97-179	Nebcom, Inc. pursuant to 47 U.S.C. 214(e) and 47 C.F.R. 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange area that constitutes its service area. Nebcom, Inc. is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchange: (605) 587 North Bristow. Nebcom, Inc., to its knowledge, is the only carrier today providing local exchange telecommunications service in the above exchange area. (Staff: HB/KC)	11/05/97	11/21/97
TC97-180	Red River Telecom, Inc. pursuant to 47 U.S.C. 214(e) and 47 C.F.R. 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange area that constitutes its service area in South Dakota. Red River Telecom, Inc. is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchange in South Dakota: (605) 553 South Lidgerwood. Red River Telecom, Inc. to its knowledge, is the only carrier today providing local exchange telecommunications service in the above exchange area. (Staff: HB/CH)	11/05/97	11/21/97
<b>FORMAL COMPLAINT FILED</b>			
TC97-178	Ben Hofer vs U S WEST Communications, Inc. "We live in southern Spink County on the northern end of the Huron area phone line served by U S WEST. We experience frequent phone service outages. These most often happen when there is a weather change. The servicemen tell us that wind drives in snow and dirt in the boxes, or a drop of moisture which shorts out circuits. Mice also have caused outages by being in the boxes. Also, the servicemen tell us the relay equipment is of the oldest style, seldom found in use any more. Our internet connections are slow. The majority (33 of 50 connections) are in the 12,00 to 16,800 bps range. The low capacity of the phone lines may also relate to line noise and weak phone signals we experience. There are no more phone lines available for our use to our farm. Today's agri-business operation is relying increasingly on rapid communication to do business. On one phone line we have: phone, fax and internet, a family residence, a farm/ranch that produces a half million dollars of ag. products annually, and a farm/ranch Bed & Breakfast/farm vacation business (possibly farm)." I ask that the PUC grant the following relief: "PUC should mandate that U S WEST update the lines in our area so that we can operate our ag business, tourism business and personal business in an expedient manner. We need two more lines, which are presently unavailable, to our farm." (Staff: SW/CH)	10/29/97	NA

Important Notice: The Commission is compiling a list of internet addresses. If you have an internet address please notify the Commission by E-mailing it to Terry Norum at [terry@puc.state.sd.us](mailto:terry@puc.state.sd.us). Faxing the address to the Commission at 605-773-3809

PAGE 2 OF 2

South Dakota Public Utilities Commission State Capitol 500 E. Capitol Pierre, SD 57501-5070 Phone: (605) 332-1782 Fax: (605) 773-3809		<b>TELECOMMUNICATIONS SERVICE FILINGS</b> These are the telecommunications service filings that the Commission has received for the period of: <b>10/31/97 through 11/06/97</b> If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five days of this filing.	
DOCKET NUMBER	TITLE/STAFF/SYNOPSIS	DATE FILED	INTERVENTION DEADLINE
<b>REQUEST FOR CERTIFICATE OF AUTHORITY</b>			
TC97-173	Application by Vista Communications, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/CH) "Applicant seeks authority to offer a full range of 1+ interexchange telecommunications services on a resale basis. Specifically, Applicant seeks authority to provide MTS, out-WATS, in-WATS and Calling Card services. Applicant does not intend to provide operator services, 900 or 700 services."	10/31/97	11/21/97
TC97-174	Application by NTI Telecom, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/KC) "Applicant proposes to offer resold intrastate long distance services to the public... The services to be provided are Message Toll Service, Incoming 800, Travel Card services and Operator Services."	10/31/97	11/21/97
<b>NONCOMPETITIVE TELECOMMUNICATIONS FILING</b>			
TC97-175	U S WEST Communications filed to revise the language for Termination Liability Charges in the General Regulations section of its Exchange and Network Services Tariff. (Staff: TS/CH) The reason for the change is "to put the charge in the contracts for the specific services. USWC proposes an effective date of December 1, 1997."	10/31/97	11/21/97
<b>REQUEST FOR ELIGIBLE TELECOMMUNICATIONS COMPANY STATUS</b>			
TC97-176	Dickey Rural Telephone Cooperative pursuant to 47 U.S.C. 214(e) and 47 C.F.R. 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange area that constitutes its service area in South Dakota. Dickey Rural Telephone Cooperative is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges in South Dakota: (605) 358 South Forbes, (605) 379 South Nelvik, (605) 383 South Guelph, and (605) 687 South Ventura. Dickey Rural Telephone Cooperative, to its knowledge, is the only carrier today providing local exchange telecommunications service in the above exchange area. (Staff: HB/KC)	11/03/97	11/21/97
TC97-177	Dickey Rural Communications, Inc. pursuant to 47 U.S.C. 214(e) and 47 C.F.R. 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange area that constitutes its service area in South Dakota. Dickey Rural Communications, Inc. is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges in South Dakota: (605) 289 South Ashley, (605) 348 South Ellendale, and (605) 735 South Forman. Dickey Rural Communications, Inc., to its knowledge, is the only carrier today providing local exchange telecommunications service in the above exchange area. (Staff: HB/KC)	11/03/97	11/21/97

PAGE 1 OF 2

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

IN THE MATTER OF THE FILINGS BY THE ) FOLLOWING TELECOMMUNICATIONS ) COMPANIES FOR DESIGNATION AS ) ELIGIBLE TELECOMMUNICATIONS ) CARRIERS: )	ORDER FOR AND NOTICE ) OF HEARING )
DICKEY RURAL TELEPHONE COOPERATIVE ) )	TC97-176 )
DICKEY RURAL COMMUNICATIONS, INC. ) )	<del>TC97-177</del> )
NEBCOM, INC. ) )	TC97-179 )
RED RIVER TELECOM, INC. ) )	TC97-180 )
VALLEY TELEPHONE COMPANY ) )	TC97-182 )
FARMERS MUTUAL TELEPHONE COMPANY ) )	TC97-183 )
CHEYENNE RIVER SIOUX TRIBE TELEPHONE ) AUTHORITY )	TC97-184 )
CONSOLIDATED TELEPHONE COOPERATIVE ) )	TC97-185 )
CTC COMMUNICATIONS, INC. ) )	TC97-186 )

The South Dakota Public Utilities Commission (Commission) received requests from the above captioned telecommunications companies requesting designation as eligible telecommunications carriers.

The Commission electronically transmitted notice of the filings and the intervention deadlines to interested individuals and entities.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-31, including 1-26-18, 1-26-19, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, and 47 U.S.C. § 214(e)(1) through (5).

The issues at the hearing shall be as follows: (1) whether the above captioned telecommunications companies should be granted designation as eligible telecommunications carriers, and (2) what service areas shall be established by the Commission.

A hearing shall be held at 1:30 P.M. on Tuesday, December 2, 1997, in Room 464, State Capitol, Pierre, South Dakota. It shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of this hearing, the Commission may either grant or deny the request from any of the above captioned telecommunications companies requesting designation as an eligible telecommunications carrier, and the Commission shall establish service areas for eligible telecommunications carriers. The Commission's decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held at the time and place specified above on the issues of whether the above captioned telecommunications companies should be granted designation as eligible telecommunications carriers, and the Commission shall establish service areas for eligible telecommunications carriers.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 21 day of November, 1997.

CERTIFICATE OF SERVICE  The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.  By: <u>William Bullard, Jr.</u>  Date: <u>11/21/97</u>  (OFFICIAL SEAL)
---

BY ORDER OF THE COMMISSION:  
Commissioners Burg, Nelson and  
Schoenfelder

William Bullard, Jr.  
WILLIAM BULLARD, JR.  
Executive Director

1 THE PUBLIC UTILITIES COMMISSION  
2 OF THE STATE OF SOUTH DAKOTA  
3

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6 SOUTH DAKOTA PUBLIC  
7 UTILITIES COMMISSION

8 IN THE MATTER OF THE FILINGS BY THE )  
9 FOLLOWING TELECOMMUNICATIONS )  
10 COMPANIES FOR DESIGNATION AS )  
11 ELIGIBLE TELECOMMUNICATIONS )  
12 CARRIERS: )

13 DICKEY RURAL TELEPHONE COOPERATIVE )	TC97-176
14 DICKEY RURAL COMMUNICATIONS, INC. )	<del>TC97-177</del>
15 NEBCOM, INC. )	TC97-179
16 RED RIVER TELECOM, INC. )	TC97-180
17 VALLEY TELEPHONE COMPANY )	TC97-182
18 FARMERS MUTUAL TELEPHONE COMPANY )	TC97-183
19 CHEYENNE RIVER SIOUX TRIBE TELEPHONE )	TC97-184
20 AUTHORITY )	
21 CONSOLIDATED TELEPHONE COOPERATIVE )	TC97-185
22 CTC COMMUNICATIONS, INC. )	TC97-186
23 ----- )	

24 HEARD BEFORE THE PUBLIC UTILITIES COMMISSION

25 PROCEEDINGS:

December 2, 1997  
1:30 P.M.  
Room 464, Capitol Building  
Pierre, South Dakota

PUC COMMISSION:

Jim Burg, Chairman  
Laska Schoenfelder, Commissioner  
Pam Nelson, Commissioner

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A P P E A R A N C E S

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COMMISSION STAFF  
PRESENT:

Rolayne Ailts Wiest  
Camron Hoseck  
Harlan Best

ALSO PRESENT:

Richard D. Coit  
P.O. Box 57  
Pierre, SD 57501

I N D E X

WITNESSES:

PAGE:

Harlan Best

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PROCEEDINGS

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CHAIRMAN BURG: Okay. I'll begin the hearing for the dockets relating to eligible telecommunications designation. The time is approximately 1:30, it would be about 1:40. The date is December 2nd, 1997; and the location of the hearing is Room 464, 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. This hearing was noticed pursuant to the Commission's Order For and Notice of Hearing issued November 21, 1997.

The issue at this hearing shall be as follows: Whether the requesting telecommunications companies should be granted designation as eligible telecommunication 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 decisions may be appealed by the parties to the State Circuit Court and State Supreme Court.

Rolayne Wiest will act as Commission counsel. She may provide recommended rulings on

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

5 And at this time I will turn it over to  
6 Rolayne for the hearing.

7 MS. WIEST: Let's start with TC97-176. First  
8 of all, Rich, who are you representing today?

9 MR. COIT: I'm appearing for four of the  
10 companies listed in the order for the Notice of Hearing  
11 and that is Dickey Rural Telephone Cooperative, Dickey  
12 Rural Communications, Inc., Red River Telecom, Inc.,  
13 and Cheyenne River Sioux Tribe Telephone Authority.

14 MS. WIEST: Is anyone else representing the  
15 other companies? Apparently not.

16 MR. HOSECK: Not to my knowledge.

17 MS. WIEST: Okay. Well, let's take  
18 appearances. Rich, you've already entered your  
19 appearance. Staff.

20 MR. HOSECK: Camron Hoseck on behalf of  
21 staff.

22 MS. WIEST: We'll begin with TC97-176. First  
23 of all, I have one exhibit listed. Can we have a  
24 motion to move that exhibit in?

25 MR. COIT: Yes. On behalf of Dickey Rural



1 Telephone Cooperative, I would move for the admittance  
2 into the record of Exhibit No. 1, which is their  
3 request for ETC designation and dated October 28, 1997.

4 MS. WIEST: Any objection?

5 MR. HOSECK: No objection.

6 MS. WIEST: If not, that has been admitted.

7 Are there any questions concerning this docket? Do you  
8 have anything to add?

9 MR. COIT: I don't have anything to add  
10 beyond the application. I believe they responded to  
11 the single party service question adequately, and also  
12 I hope they've responded to the toll control to the  
13 Commission's satisfaction.

14 MS. WIEST: Yes. My only question is they  
15 didn't have a time frame, so I assume it would be the  
16 one-year waiver for toll control?

17 MR. COIT: Yeah. I spoke with Roger Johnson,  
18 who is the manager for Dickey Rural Co-op and Dickey  
19 Rural Communications, yesterday and he indicated that a  
20 one-year waiver would be just fine.

21 MS. WIEST: Okay. Is there a motion?

22 CHAIRMAN BURG: I'll move we grant approval  
23 of Dickey Rural Telephone Co-op's ETC request with the  
24 two waivers.

25 MS. WIEST: I'm sorry, I believe I thought at

1 this time we were only doing waivers and we were going  
2 to do all the approvals next the 11th.

3 CHAIRMAN BURG: You're right. I'll move we  
4 grant the waivers for both the single party service  
5 and --

6 COMMISSIONER SCHOENFELDER: We don't need a  
7 waiver for single party, I believe.

8 MS. WIEST: We only need the one-year toll  
9 control.

10 CHAIRMAN BURG: Yeah, one-year toll control.

11 COMMISSIONER NELSON: I'd second.

12 COMMISSIONER SCHOENFELDER: I'd concur.

13 MS. WIEST: Let's go to TC97-177. And I have  
14 one exhibit.

15 MR. COIT: Yes. And I would at this time  
16 make a motion to admit into the record the request for  
17 ETC designation of Dickey Rural Communications, Inc.,  
18 which has been marked Exhibit 1, which is also dated  
19 October 28th, 1997.

20 MS. WIEST: Any objection?

21 MR. HOSECK: None.

22 MS. WIEST: If not, it's been admitted. Any  
23 questions concerning this docket? If not, I believe  
24 this docket needs a one-year waiver on toll control.  
25 Is there a motion?

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1 COMMISSIONER NELSON: I'd move that we grant  
2 a waiver for the toll control in TC97-177.  
3 COMMISSIONER SCHOENFELDER: Seconded.  
4 CHAIRMAN BURG: Concur.  
5 MS. WIEST: We'll move on to TC97-179. I  
6 have two exhibits. Is there a motion?  
7 COMMISSIONER NELSON: No waivers?  
8 MS. WIEST: Would staff care to move these  
9 in?  
10 MR. HOSECK: Yeah, I'll make a motion to move  
11 in the request for ETC designation on behalf of Nebcom  
12 Inc., and a supplemental affidavit of November 24,  
13 1997.  
14 MS. WIEST: And those would be Exhibits 1 and  
15 2. Any objection? If not, they are admitted. And for  
16 this, my understanding is that all they need is the  
17 one-year waiver for the toll control.  
18 COMMISSIONER SCHOENFELDER: Okay. And I  
19 would move we grant the one-year waiver for toll  
20 control to Nebcom in TC97-179.  
21 CHAIRMAN BURG: I'll second it.  
22 COMMISSIONER NELSON: And I concur.  
23 MS. WIEST: Moving on to TC97-180. I have  
24 one exhibit in this docket. Is there a motion?  
25 MR. COIT: Yes. Richard Coit on behalf of

1 Red River Telecom, Inc. I would move to admit their  
2 request for ETC designation marked Exhibit No. 1, which  
3 is dated November 3rd, 1997. I would also note that I  
4 spoke with Mr. Arden Doran, and he is agreeable or  
5 would request the one-year waiver with respect to toll  
6 control services.

7 MS. WIEST: Any objection to Exhibit 1?

8 MR. HOSECK: No objection.

9 MS. WIEST: If not, it's been admitted. Is  
10 there a motion?

11 CHAIRMAN BURG: I'll move we grant a one-year  
12 waiver of toll control for Red River Telecom, Inc.

13 COMMISSIONER NELSON: I second.

14 COMMISSIONER SCHOENFELDER: Concur.

15 MS. WIEST: We'll move on to TC97-182. I  
16 have two exhibits. Is there a motion?

17 MR. HOSECK: I would move the request for ETC  
18 designation on behalf of Valley Telephone Company.  
19 This is November 10, 1997, and a supplemental affidavit  
20 of December 1, 1997, into evidence.

21 MS. WIEST: Any objection? If not, it's been  
22 admitted. And this application also needs the one-year  
23 waiver for toll control.

24 CHAIRMAN BURG: I'll move we grant a one-year  
25 waiver of toll control to Valley Telephone Company.

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1 COMMISSIONER NELSON: I second.  
2 COMMISSIONER SCHOENFELDER: Concur.  
3 MS. WIEST: Then I'll move on to TC97-183. I  
4 have two exhibits -- three exhibits.  
5 COMMISSIONER SCHOENFELDER: Three.  
6 MR. HOSECK: I would move the request for ETC  
7 designation on behalf of Farmers Mutual Telephone  
8 Company of November 10, 1997, and a supplemental  
9 affidavit of November 26th, 1997, into evidence.  
10 MS. WIEST: Is there any objection to  
11 Exhibits 1 through 3? If not, they've been admitted.  
12 MR. HOSECK: Excuse me, there is a clerical  
13 thing. We actually have three affidavits, three  
14 exhibits. I only mentioned two. There is another  
15 supplemental affidavit that I would move in of November  
16 18, 1997.  
17 MS. WIEST: Okay. I have Exhibits 1, 2 and  
18 3. Any objection? If not, they have been admitted.  
19 And in this instance I believe they need a waiver on  
20 toll control. It didn't request a specific time  
21 period, but I'd recommend the one-year waiver.  
22 COMMISSIONER SCHOENFELDER: I would move that  
23 we grant a waiver for toll control for one year to  
24 Farmers Mutual Telephone Company, which is TC97-183.  
25 MS. WIEST: At this point we will go to

1 TC97-185. And this docket, I believe, I have one  
2 exhibit. Is there a motion?

3 MR. HOSECK: I would move the request for ETC  
4 designation on behalf of Consolidated Telephone  
5 Cooperative, dated November 17, 1997, into evidence.

6 MS. WIEST: Is there any objection? If not,  
7 it's been admitted. Again, in this one they didn't  
8 specifically request a time period, but I'd recommend  
9 the one-year waiver on the toll control.

10 CHAIRMAN BURG: I'll move we grant a one-year  
11 waiver of toll control to Consolidated Telephone  
12 Cooperative.

13 COMMISSIONER NELSON: I'd second.

14 COMMISSIONER SCHOENFELDER: Concur.

15 MS. WIEST: Then we go to TC97-186, and I  
16 have two exhibits. Is there a motion?

17 MR. HOSECK: I would move the request for ETC  
18 designation on behalf of CTC Communications, Inc., into  
19 evidence, the request being dated November 17, 1997,  
20 and the supplement to that of November 26th, 1997. I  
21 would move both of those into evidence.

22 MS. WIEST: Any objection? If not, they've  
23 been admitted. Again, they are requesting waiver from  
24 toll control. No time period was specified. I'd  
25 recommend the one year.

1 CHAIRMAN BURG: I'll move we grant a one-year  
2 waiver of toll control for CTC Communications,  
3 Incorporated.

4 COMMISSIONER NELSON: Second.

5 COMMISSIONER SCHOENFELDER: Concur.

6 MS. WIEST: At this time I guess we'll go off  
7 the record and wait for further information on  
8 TC97-184.

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

10 MS. WIEST: Let's go back on the record.  
11 TC97-184. At this time I have one exhibit.

12 MR. COIT: Yes. This is Richard Coit  
13 representing CRST today. In addition to that exhibit,  
14 I think there was a motion that attorneys for Cheyenne  
15 River Sioux Tribe had filed asking for the motion to  
16 take some administrative notice.

17 MS. WIEST: Yes.

18 MR. COIT: And I'd appreciate it if you could  
19 rule on that as well.

20 MS. WIEST: Okay. First of all, Exhibit 1,  
21 is there any objection to Exhibit 1 being admitted?

22 MR. HOSECK: That's the application?

23 MS. WIEST: That's the application.

24 MR. HOSECK: No objection.

25 MS. WIEST: If not, it has been admitted.

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1 Then is there any comment on the motion for  
2 administrative notice of related proceedings?

3 MR. HOSECK: Yes. Staff would resist the  
4 motion on the basis that the motion calls for the  
5 Commission to review the entire proceedings in the  
6 TC94-122 case, which is the sale of exchanges, as the  
7 grounds for granting the ETC designation. The basis of  
8 resisting this is that it's a burdensome request which  
9 is placed upon the Commission to go through that entire  
10 record to extract those facts. And, secondly, J. D.  
11 Williams has submitted an affidavit dated November 13,  
12 1997, which does set out, at least for the most part,  
13 the ability of the Cheyenne River Telephone Authority  
14 to meet these requirements. So the objection is  
15 resisted on the basis of it's burdensome and it's  
16 redundant in that the evidence is already in the record  
17 by reason of Mr. Williams' affidavit.

18 MS. WIEST: Well, on the issue of burdensome,  
19 actually in their application they do reference  
20 specific page numbers in exhibits, so I don't believe  
21 that it is necessarily burdensome. It may be that the  
22 affidavit does cover all this, but I would recommend  
23 that the Commission grant the motion.

24 CHAIRMAN BURG: The motion to do what again?

25 MS. WIEST: Motion for administrative notice



1 of other proceedings.

2 CHAIRMAN BURG: I'll move that we do grant  
3 administrative notice.

4 COMMISSIONER NELSON: I'd second it.

5 COMMISSIONER SCHOENFELDER: I can concur, I  
6 guess. I think it is probably redundant but it's  
7 okay.

8 MS. WIEST: Okay. That's been granted three  
9 to zero. And then the other point I would make is that  
10 reading the affidavit by Mr. Williams, it is  
11 confusing. I believe he references toll blocking when  
12 he actually means toll control. And I would like that  
13 to be clarified in a late-filed exhibit. Plus, another  
14 clarification needs to be made concerning Lifeline and  
15 Link Up services. Specifically, that as with the other  
16 parties have stated that Cheyenne River will comply  
17 with the FCC rules regarding Lifeline and Link Up  
18 services. Is there anything else? And if those two  
19 clarifications could be made within a late-filed  
20 exhibit, the Commission will consider that late-filed  
21 exhibit and intends to rule on all ETC applications on  
22 December 11th. Are there any questions? Anything from  
23 staff on that?

24 MR. HOSECK: Nothing further from staff.

25 MS. WIEST: Does staff have any witnesses?

1 MR. HOSECK: Yes. Staff has a witness,  
2 Harlan Best, who I would call to the stand at this  
3 time.

4 HARLAN BEST,

5 called as a witness, being first duly sworn,  
6 was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. HOSECK:

9 Q. And for purposes of the record, Mr. Best,  
10 testimony will be directed to all of the applicants of  
11 this proceeding as it's noticed to date. I have an  
12 exhibit which has been marked as Staff's Exhibit 1,  
13 which I have distributed to the Commission at this time  
14 and I will move into evidence just a little bit later.  
15 State your name for the record, please.

16 A. Harlan Best.

17 Q. What's your job?

18 A. I am deputy director of fixed utilities with  
19 the Public Utilities Commission, South Dakota.

20 Q. And are you familiar with the dockets as are  
21 noticed in today's proceeding for applications for  
22 eligible telecommunications carriers?

23 A. Yes.

24 Q. And are those the same companies that are  
25 listed on Staff Exhibit No. 1?

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1 A. Yes.

2 Q. And could you explain briefly for the record  
3 what Staff Exhibit No. 1 is?

4 A. Exhibit 1 is a compilation of the respective  
5 eligible telecommunications carriers' requests that are  
6 before the Commission today.

7 Q. Do you have any corrections or additions that  
8 you wish to make to Staff Exhibit No. 1?

9 A. I believe the one for column under Cheyenne  
10 River Sioux Tribe Telephone Authority, I believe it's  
11 correct as stated. But the Commission has requested  
12 further information from CRST, specifically from the  
13 manager, J. D. Williams, which would clarify the toll  
14 control and the CRST's intent to implement Lifeline,  
15 Link Up.

16 MR. HOSECK: Okay. With that correction, or  
17 with that clarification, I would move Staff Exhibit No.  
18 1 into the record.

19 MS. WIEST: Any objection? If not, it's been  
20 admitted.

21 Q. Okay. With regard to the applicants as  
22 noticed in these proceedings today, have you reviewed  
23 their ability to meet the criteria set forth in 47  
24 C.F.R. Section 54.101(a)?

25 A. Yes. Each of the companies did respond to

1 those, to the nine items set forth under that  
2 requirement.

3 Q. And with regard to the Lifeline and Link Up  
4 requirement, was there a response from all of the  
5 applicants on that?

6 A. Yes, there was.

7 Q. And with regarding the designating of a  
8 service area, was there a response from the applicants  
9 on that issue?

10 A. Yes. The Respondents -- or the applicants  
11 stated the exchanges and the prefixes where the ETC  
12 request would apply.

13 Q. And with regard to the advertising of  
14 services that might be available on an exchange-wide  
15 basis, did the applicants address that issue?

16 A. Yes. The applicants stated that they would  
17 be willing to advertise on a going-forward basis in  
18 accordance with any specific advertising standards that  
19 the Commission may develop. The CRST states that they  
20 are advertising presently in media of general  
21 distribution in their service area.

22 Q. Based upon your review of these facts as  
23 represented by these applicants, in your opinion, have  
24 the applicants presented the facts necessary for the  
25 Commission to decide this ETC designation?

1 A. With the exception of CRST, yes.

2 Q. Okay. And with regard to advertising  
3 services exchange-wide, do you have a recommendation to  
4 the Commission for a provision to be included in an  
5 order which would come out of these proceedings?

6 A. Yes.

7 Q. And what is that recommendation?

8 A. That the telephone companies advertise their  
9 rates annually or whenever a rate changes.

10 Q. And, finally, do you have an opinion as to  
11 whether or not the applicants qualify for an ETC  
12 designation?

13 A. Yes, I believe they do, with the caveat again  
14 on CRST receiving -- the Commission receiving  
15 additional information.

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

18 MS. WIEST: Any questions? Any further  
19 witnesses?

20 MR. HOSECK: No further witnesses. Staff  
21 rests.

22 MS. WIEST: At this point I believe we can  
23 close the hearing and make the final decisions next  
24 Thursday.

25 (A DISCUSSION WAS HELD OFF THE RECORD.)

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1 MS. WIEST: Let's go back on the record.

2 COMMISSIONER SCHOENFELDER: Well, I would  
3 just like to have Mr. Coit ask J. D. Williams at the  
4 Cheyenne River Telephone Authority if they don't have  
5 more exchanges that they need to apply for other than  
6 the Dupree and Isabel Exchanges; if, in fact, Eagle  
7 Butte would not be an exchange that they would need ETC  
8 designation for; and perhaps there might even about  
9 another exchange in their tribal authority telephone  
10 service area that they would need an ETC designation  
11 for.

12 MR. COIT: I will do that, Commissioner.

13 COMMISSIONER SCHOENFELDER: Thank you.

14 MS. WIEST: Okay. Is there anything else at  
15 this point?

16 MR. HOSECK: If that is the case, is this  
17 something that can be handled through a supplemental  
18 filing in this matter?

19 MS. WIEST: I believe the application might  
20 have to be amended and then the questions whether also  
21 Mr. Williams would have to amend or put in a  
22 supplemental affidavit on this issue. Because we will  
23 need -- I mean we certainly need it on the record that  
24 all of these exchanges are requesting ETC designation.

25 MR. HOSECK: Well, for the record, why don't

1 we just -- staff would just suggest that if that is  
2 their desire, then to have them go ahead and amend  
3 their application as it is presently before the  
4 Commission and supplement their affidavit to make sure  
5 that those criteria are met for those exchanges. And  
6 then staff has no objection to the Commission  
7 considering it on the record as --

8 MS. WIEST: As a late-filed exhibit?

9 MR. HOSECK: As a late-filed exhibit both as  
10 to the amending of the petition and the supplemental  
11 information that would be sent in. Does that sound  
12 like something --

13 MR. COIT: That sounds very reasonable.

14 COMMISSIONER SCHOENFELDER: It's very  
15 possible that, you know, I may be in error about there  
16 being -- those being separate exchanges, but I do think  
17 that since I feel that way about it, we need it  
18 clarified, at least.

19 MS. WIEST: Okay. Any other questions or  
20 comments? Thank you.

21 (THE HEARING CONCLUDED AT 2:30 P.M.)  
22  
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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 19, 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 5th day of December, 1997.

21  
22 Lori Grode  
23 Lori J. Grode, RMR  
24  
25





ELIGIBLE TELECOMMUNICATIONS CARRIER REQUEST

	Comcast Telephone Company TCF-118 NC	CTC Communications TCF-118 CA
<p>41 C.F.R. 101.118(b) 1. remote power access to public switched network</p> <p>2. local outage</p> <p>3. local time and frequency reporting of the technical aspects of the outage</p> <p>4. whether any service to be suspended</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>5. access to emergency services</p> <p>6. access to operator services</p> <p>7. access to technician services</p> <p>8. access to directory assistance</p> <p>9. full function for qualifying non-voice customers</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Yes, to all customers</p> <p>Full requirements in CD and paragraph 10.2.10.1</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>41 C.F.R. 101.102 and 101.111 1. full and complete technical support for all services including emergency services and any POC</p>	<p>Yes, full and complete technical support for all services including emergency services and any POC</p>	<p>Complete other than 101.118 and 101.102. Full technical support for all services including emergency services and any POC</p>
<p>41 U.S.C. 115(a)(3) emergency services area by NOD</p>	<p>Yes, South American South Latin South Reader</p>	<p>Yes, South Hispanic</p>
<p>41 U.S.C. 115(a)(3)(B) and do not go going forward to the extent that the carrier is not providing technical support for emergency services and any POC</p>	<p>Yes, do not go going forward to the extent that the carrier is not providing technical support for emergency services and any POC</p>	<p>Yes, do not go going forward to the extent that the carrier is not providing technical support for emergency services and any POC</p>

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SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

**IN THE MATTER OF THE REQUEST OF)  
DICKEY RURAL COMMUNICATIONS, INC.) REQUEST FOR ETC  
FOR DESIGNATION AS AN ELIGIBLE) DESIGNATION  
TELECOMMUNICATIONS CARRIER)**

Dickey Rural Communications, Inc. Ellendale, North Dakota pursuant to 47 United States Code Section 214(e) and 47 Code of Federal Regulations Section 54.201 hereby seeks from the Public Utilities Commission ("Commission") designation as an "Eligible Telecommunications Carrier" within the local exchange area that constitutes its service area in South Dakota. In support of this request, Dickey Rural Communications, Inc. offers the following:

1. Pursuant to 47 U.S.C. Section 214(e) it is the Commission's responsibility to designate local exchange carriers ("LECs") as "eligible telecommunications carriers" ("ETC"), or in other words, to determine which LECs have assumed universal service obligations consistent with the federal law and should be deemed eligible to receive federal universal service support. At least one eligible telecommunications carrier is to be designated by the Commission for each service area in the State. However, in the case of areas served by "rural telephone companies", the Commission may not designate more than one LEC as an ETC without first finding that such additional designation would be in the public interest. Under 47 CFR Section 54.201, beginning January 1, 1998, only telecommunications carriers that have received designation from the Commission to serve as an eligible telecommunications carrier within their service area will be eligible to receive federal universal service support.
2. Dickey Rural Communications, Inc. is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges in South Dakota:



<u>Name</u>	<u>Total Access Lines</u>	<u>Exchange Prefix/Name</u>
Dickey Rural Com, Inc.	10	605/289 South Ashley
Dickey Rural Com, Inc.	12	605/346 South Ellendale
Dickey Rural Com, Inc.	16	605/735 South Forman

In the ordinary course of business the number of access lines are subject to change. Dickey Rural Communications, Inc. to its knowledge is the only carrier today providing local exchange telecommunications service in the above exchange area.

3. Pursuant to 47 C.F.R. 54.101(a)(4), Single-Party Service is being offered by Dickey Rural Communications, Inc. to all customers in its South Dakota telephone exchanges.
4. Dickey Rural Communications, Inc. currently offers Lifeline and Link Up local service discounts within its exchange area. Beginning January 1, 1998, the programs will be offered under new terms in accord with the FCC rules, 47 CFR 54.400 - 54.417 and any South Dakota Public Utilities Commission decisions concerning implementation of the expanded programs.
5. Dickey Rural Communications, Inc. in accord with 47 CFR Section 54.101 offers the following local exchange telecommunications services to all customers throughout its service area:

-Voice grade to the public switched network;

-Local exchange service including an amount of local usage free of per minute charges under a flat rated local service package;

-Dual tone multi-frequency signaling;

-Access to emergency service such as 911 or enhanced 911 public services;

-Access to operator services;

-Access to interexchange service;

-Access to directory assistance; and

-Toll blocking service to qualified low-income customers and all others.

As noted above, Dickey Rural Communications, Inc. does provide toll limitation service in the form of toll blocking to qualifying members, however, the additional toll limitation service of "toll control" as defined in the new FCC universal service rules (47 CFR section 54.400(3)) is not provided. Dickey Rural Communications, Inc. is not aware that any local exchange carrier in South Dakota has a current capability to provide such service. The FCC gave no indication prior to the release of its universal service order (FCC 97-157) that toll control would be imposed as an ETC service requirement and, to our information and belief, as a result, LECs nationwide are not positioned to make the service immediately available. In order for Dickey Rural Communications, Inc. to provide the service, additional usage tracking and storage capabilities will have to be installed in its local switching equipment. At minimum, the service requires a switching software upgrade and at this time Dickey Rural Communications, Inc. is investigating and attempting to determine whether the necessary software has been developed and when it might become available.

Accordingly, Dickey Rural Communications, Inc. is faced with exceptional circumstances concerning the ability to make the toll control service available as set forth in the FCC's universal service rules and must request a waiver from the requirement to provide such service. At this time, a waiver is requested. The Commission may properly grant a waiver from the "toll control" requirement pursuant to 47 CFR 54.101 (c).

6. Dickey Rural Communications, Inc. has previously and will continue to advertise the availability of its local exchange services in media of general distribution throughout the exchange area served. Prior to this filing, Dickey Rural Communications, Inc. has not generally advertised the prices charged for all of the above-identified services. It will do so going forward in accord with any specific advertising standards that the Commission may develop.
7. Base on the foregoing, Dickey Rural Communications, Inc. respectfully request that the Commission:
  - (a) grant a waiver of the requirement to provide "toll control" service;
  - and
  - (b) grant an ETC designation to Dickey Rural Communications, Inc. covering all of the local exchanges area that constitutes its present service area in the State.

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Dated this 28<sup>th</sup> day of October, 1997.

Dickey Rural Communications, Inc.



\_\_\_\_\_  
ROGER L. JOHNSON  
General Manager

STATE OF NORTH DAKOTA)

COUNTY OF DICKEY )

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of October, 1997.

My Commission Expires:

MARGARET M. BARTON: Notary Public  
County of DICKEY  
State of NORTH DAKOTA  
My Commission Expires MAY 26, 1999



\_\_\_\_\_  
Margaret Barton, Notary Public  
County of Dickey

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING BY DICKEY )	FINDINGS OF FACT,
RURAL COMMUNICATIONS, INC. FOR )	CONCLUSIONS OF LAW,
DESIGNATION AS AN ELIGIBLE )	ORDER AND NOTICE OF
TELECOMMUNICATIONS CARRIER )	ENTRY OF ORDER
)	TC97-177

On November 3, 1997, the Public Utilities Commission (Commission) received a request for designation as an eligible telecommunications carrier (ETC) from Dickey Rural Communications, Inc. (Dickey Rural Communications). Dickey Rural Communications requested designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area.

The Commission electronically transmitted notice of the filing and the intervention deadline to interested individuals and entities. No person or entity filed to intervene. By order dated November 21, 1997, the Commission set the hearing for this matter for 1:30 p.m. on December 2, 1997, in Room 464, State Capitol, Pierre, South Dakota.

The hearing was held as scheduled. At the hearing, the Commission granted Dickey Rural Communications a one year waiver of the requirement to provide toll control service within its service area. At its December 11, 1997, meeting, the Commission granted ETC designation to Dickey Rural Communications and designated its study area as its service area.

Based on the evidence of record, the Commission enters the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

I

On November 3, 1997, the Commission received a request for designation as an ETC from Dickey Rural Communications. Dickey Rural Communications requested designation as an ETC within the local exchange areas that constitute its service area. Dickey Rural Communications serves the following exchanges in South Dakota: South Ashley (289); South Ellendale (346); and South Forman (735). Exhibit 1.

II

Pursuant to 47 U.S.C. § 214(e)(2), the Commission is required to designate a common carrier that meets the requirements of section 214(e)(1) as an ETC for a service area designated by the Commission.

III

Pursuant to 47 U.S.C. § 214(e)(1), a common carrier that is designated as an ETC is eligible to receive universal service support and shall, throughout its service area, offer the services that are supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services. The carrier must also advertise the availability of such services and the rates for the services using media of general distribution.

IV

The Federal Communications Commission (FCC) has designated the following services or functionalities as those supported by federal universal service support mechanisms: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling or its functional equal; (4) single party service or its functional equivalent; (5) access to emergency services; (6) access to operator services; (7) access to interexchange service; (8) access to directory assistance; and (9) toll limitation for qualifying low-income consumers. 47 C.F.R. § 54.101(a).

V

As part of its obligations as an ETC, an ETC is required to make available Lifeline and Link Up services to qualifying low-income consumers. 47 C.F.R. § 54.405; 47 C.F.R. § 54.411.

VI

Dickey Rural Communications offers voice grade access to the public switched network to all consumers throughout its service area. Exhibit 1.

VII

Dickey Rural Communications offers local exchange service including an amount of local usage free of per minute charges to all consumers throughout its service area. Id.

VIII

Dickey Rural Communications offers dual tone multi-frequency signaling to all consumers throughout its service area. Id.

IX

Dickey Rural Communications offers single party service to all consumers throughout its service area. Id.

X

Dickey Rural Communications offers access to emergency services to all consumers throughout its service area. Id.

XI

Dickey Rural Communications offers access to operator services to all consumers throughout its service area. Id.

XII

Dickey Rural Communications offers access to interexchange services to all consumers throughout its service area. Id.

XIII

Dickey Rural Communications offers access to directory assistance to all consumers throughout its service area. Id.



## XIV

One of the services required to be provided by an ETC to qualifying low-income consumers is toll limitation. 47 C.F.R. § 54.101(a)(9). Toll limitation consists of both toll blocking and toll control. 47 C.F.R. § 54.400(d). Toll control is a service that allows consumers to specify a certain amount of toll usage that may be incurred per month or per billing cycle. 47 C.F.R. § 54.400(c). Toll blocking is a service that lets consumers elect not to allow the completion of outgoing toll calls. 47 C.F.R. § 54.400(b).

## XV

Dickey Rural Communications offers toll blocking to all consumers throughout its service area. Exhibit 1.

## XVI

Dickey Rural Communications does not currently offer toll control. Id. In order for Dickey Rural Communications to provide toll control, additional usage tracking and storage capabilities will have to be installed in its local switching equipment. Dickey Rural Communications is attempting to determine whether the necessary software has been developed and when it might become available. Id.

## XVII

Dickey Rural Communications stated that it is faced with exceptional circumstances concerning its ability to make toll control service available and requested a waiver from the requirement to provide such service. Id.

## XVIII

With respect to the obligation to advertise the availability of services supported by the federal universal service support mechanism and the charges for those services using media of general distribution, Dickey Rural Communications stated that it advertises the availability of its local exchange services in media of general distribution throughout its service area. However, Dickey Rural Communications has not generally advertised the prices for these services. Id. Dickey Rural Communications stated its intention to comply with any advertising standards developed by the Commission. Id.

## XIX

Dickey Rural Communications currently offers Lifeline and Link Up service discounts in its exchanges. Id. Dickey Rural Communications will offer the Lifeline and Link Up service discounts in all of its service area beginning January 1, 1998, in accordance with 47 C.F.R. §§ 54.400 to 54.417, inclusive, and any Commission imposed requirements. Id.

## XX

The Commission finds that Dickey Rural Communications currently provides and will continue to provide the following services or functionalities throughout its service area: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling; (4) single-party service; (5) access to emergency services; (6) access to operator services; (7) access to interexchange service; (8) access to directory assistance; and (9) toll blocking for qualifying low-income consumers.

XXI

The Commission finds that pursuant to 47 C.F.R. § 54.101(c) it will grant Dickey Rural Communications a waiver of the requirement to offer toll control services until December 31, 1998. The Commission finds that exceptional circumstances prevent Dickey Rural Communications from providing toll control at this time due to the difficulty in obtaining the necessary software upgrades to provide the service.

XXII

The Commission finds that Dickey Rural Communications intends to provide Lifeline and Link Up programs to qualifying customers throughout its service area consistent with state and federal rules and orders.

XXIII

The Commission finds that Dickey Rural Communications shall advertise the availability of the services supported by the federal universal service support mechanism and the charges therefor throughout its service area using media of general distribution once each year. The Commission further finds that if the rate for any of the services supported by the federal universal service support mechanism changes, the new rate must be advertised using media of general distribution.

XXIV

Pursuant to 47 U.S.C. § 214(e)(5), the Commission designates Dickey Rural Communications's current study area as its service area.

CONCLUSIONS OF LAW

I

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-31, and 47 U.S.C. § 214.

II

Pursuant to 47 U.S.C. § 214(e)(2), the Commission is required to designate a common carrier that meets the requirements of section 214(e)(1) as an ETC for a service area designated by the Commission.

III

Pursuant to 47 U.S.C. § 214(e)(1), a common carrier that is designated as an ETC is eligible to receive universal service support and shall, throughout its service area, offer the services that are supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services. The carrier must also advertise the availability of such services and the rates for the services using media of general distribution.

IV

The FCC has designated the following services or functionalities as those supported by federal universal service support mechanisms: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling or its functional equal; (4) single

party service or its functional equivalent; (5) access to emergency services; (6) access to operator services; (7) access to interexchange service; (8) access to directory assistance; and (9) toll limitation for qualifying low-income consumers. 47 C.F.R. § 54.101(a).

V

As part of its obligations as an ETC, an ETC is required to make available Lifeline and Link Up services to qualifying low-income consumers. 47 C.F.R. § 54.405; 47 C.F.R. § 54.411.

VI

Dickey Rural Communications has met the requirements of 47 C.F.R. § 54.101(a) with the exception of the ability to offer toll control. Pursuant to 47 C.F.R. § 54.101(c), the Commission concludes that Dickey Rural Communications has demonstrated exceptional circumstances that justify granting it a waiver of the requirement to offer toll control until December 31, 1998.

VII

Dickey Rural Communications shall provide Lifeline and Link Up programs to qualifying customers throughout its service area consistent with state and federal rules and orders.

VIII

Dickey Rural Communications shall advertise the availability of the services supported by the federal universal service support mechanism and the charges therefor using media of general distribution once each year. If the rate for any of the services supported by the federal universal service support mechanism changes, the new rate shall be advertised using media of general distribution.

IX

Pursuant to 47 U.S.C. § 214(e)(5), the Commission designates Dickey Rural Communications's current study area as its service area.

X

The Commission designates Dickey Rural Communications as an eligible telecommunications carrier for its service area.

It is therefore

ORDERED, that Dickey Rural Communications's current study area is designated as its service area, and it is

FURTHER ORDERED, that Dickey Rural Communications shall be granted a waiver of the requirement to offer toll control services until December 31, 1998; and it is

FURTHER ORDERED, that Dickey Rural Communications shall follow the advertising requirements as listed above; and it is

FURTHER ORDERED, that Dickey Rural Communications is designated as an eligible telecommunications carrier for its service area.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that this Order was duly entered on the 17<sup>th</sup> day of December, 1997. Pursuant to SDCL 1-26-32, this Order will take effect 10 days after the date of receipt or failure to accept delivery of the decision by the parties.

Dated at Pierre, South Dakota, this 17<sup>th</sup> day of December, 1997.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By

Melvin Kalbo

Date

12/18/97

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Laska Schoenfelder  
LASKA SCHOENFELDER, Commissioner

0144.61.35

0144-6136



TELEPHONE: 701-349-3687  
FAX: 1-800-342-4551

*Dickey Rural Communications, Inc.*

*Dickey Rural Enterprises, Inc.*

P.O. BOX 89  
9628 HWY 281 • ELLENDALE, NORTH DAKOTA 58436-0089

TC97-177

December 23, 1997

Public Utilities Commission  
State Capitol Building  
500 East Capitol Avenue  
Pierre, SD 57501-5070

Attention : Bill Bullard, Executive Director

RECEIVED  
DEC 26 1997  
SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

**TELECOMMUNICATIONS PRICE SCHEDULE, INCLUDING LIFELINE**

Enclosed is the company's tariff/price schedules showing all prices for essential services and the company's Lifeline Plan and Link Up Plan. Also a copy of the letter that will be mailed to all South Dakota customers and a copy of the article that will be published in the local papers.

The Lifeline rate for Dickey Rural Communications, Inc. will mirror the old US West Agreement of \$7.00 reduction per month, as to the terms of our purchase agreement until June 1<sup>st</sup>, 1998. After June 1<sup>st</sup>, 1998 the rate will be administered at the rates approved by the State of South Dakota Public Utilities Commission and the FCC order. The program will be administered in accordance with the Lifeline Plan and controlling federal rules under 47 C.F.R. Part 54, and the order issued by the State of South Dakota.

DICKEY RURAL COMMUNICATIONS, INC.

Roger L. Johnson  
General Manager

*Quality Service*

## Dickey Rural Communications Universal Telephone Service

Under the Telecommunications Act of 1996, "universal service" means basic telephone service is available to all consumers. Universal service is voice grade access to the telecommunications network, including local stage, touchtone calling, single-party directory assistance, access to long distance telephone service, and discounted services to qualifying low-income consumers. All of these services are available from Dickey Rural Communications in these service areas: Ashley, Edgeley, Ellendale, Forman, Kulm, Lamoure and Oakes.

1998 charges for these universal services are:

Basic local residential service (no time limit on calls) <i>(including extended area service to designated nearby service areas)</i>	\$11.30 up to \$20.49
Touchtone calling	No additional charge
Single-party service	No additional charge
Access to emergency service <i>(Local government assesses a tax to pay for special equipment.)</i>	No additional charge
Access to operator services	No additional charge
Access to directory assistance <i>(If you call a long distance company for assistance, that company may charge for it's services.)</i>	\$0.75 per call for local information
Access to long distance telephone companies <i>(Flat rate prescribed by federal agency.)</i>	\$3.50
Low-income discounts <i>(Toll blocking available at no charge to low-income consumers, to prevent long distance calls from your phone.)</i>	\$7.00

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Lifeline and Link-up Assistance Application  
(Please Print)

Name \_\_\_\_\_  
(Last) (First) (Middle)

Address \_\_\_\_\_  
(Street) (City) (State) (Zip)

Telephone Number (If existing service): ( ) \_\_\_\_\_

Please answer the following questions (check appropriate line):

1. I am applying for: \_\_\_\_\_ Lifeline monthly telephone service discount.  
Link-up telephone connection charge discount

"Telephone service must be in the applicant's name." The applicant  
Subscriber must participate in at least one of the following public  
assistance programs to be eligible:

2. I am currently participating in the following programs(s): Check all that apply
- \_\_\_\_\_ Medicaid (e.g. Title XIX/Medical, State Supplemental Assistance)
  - \_\_\_\_\_ Food Stamps
  - \_\_\_\_\_ Supplemental Security Income (SSI)
  - \_\_\_\_\_ Federal Public Housing Assistance
  - \_\_\_\_\_ Low-Income Home Energy Assistance

I agree to notify Dickey Rural Communications, Inc. when I no longer participate in any of  
the above qualifying public assistance programs.

I certify under penalty of perjury the above information is true. I have read the  
information on this application and understand I Must meet the above qualifications to  
receive Lifeline and/or Link-Up assistance on my primary residential line.

\_\_\_\_\_  
Your Signature Social Security Number \_\_\_\_\_ Date \_\_\_\_\_

PRICE SCHEDULE

---

3. SERVICE CHARGES

3.1 MISCELLANEOUS NONRECURRING CHARGES

3.1.1 SERVICE CHARGES

A. General

Service Charges to connect, move or change service apply separately according to the components of work required. Service Charges apply, except as specified in this Tariff, to customers-initiated installation, moves, changes, and rearrangements of service.

B. Terms and Conditions

1. Conditions under which no Service Charges apply

a. No Service Charges apply for Company initiated work:

(1) Service located on a customer's premises but used exclusively by the Company for maintenance or training activities.

(2) Work to move or change customer's service up to and including the demarcation point if required and initiated by the Company.

(3) Disconnection of service for nonpayment of charges due. The charge applicable for restoral of service is specified in C.1. and 2.

b. No Service Charges apply for the following customer-initiated requests providing work is limited to that specified below:

(1) Complete termination of service.

(2) The "From" portion of work involved in a transfer of service from one to another customer locations.

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Signature of Issuing Office

*Kent Klara*  
PRESIDENT

Issue Date

Effective Date 1-19-97



PRICE SCHEDULE

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3. SERVICE CHARGES

3.1 MISCELLANEOUS NONRECURRING CHARGES

3.1.1 SERVICE CHARGES

B.1.b. (Cont'd)

- (3) For work done on the central office line to change from one grade of flat rate service to another grade of flat rate service or changing to or from flat rate to measured service.
- (4) The re-establishment of service following destruction of a customer's premises or a portion thereof resulting from explosion, fire, flood, storm, accident or the action of a public enemy. In such cases, and when possible, service will be re-established up to and including the demarcation point at the customer's premises without Service Charges. At the customer's option, the re-established service may be at the immediately occupied location or a subsequently occupied location.
- (5) Disconnection and/or removal of the following items of service providing no other work subject to Service Charges is involved:
- \* Access lines or disconnection of station lines.
  - \* Directory listings and directory services.  
Service Charges do not apply for changes from private or semi-private service to regular directory service.
  - \* Other items of service or substitutions of services that result in reduced monthly rates. This does not include changes in station features of Centrex/CENTRON.<sup>1</sup>

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Signature of Issuing Office

*Robert Klara*  
PRESIDENT

Issue Date

Effective Date 2-19-97

PRICE SCHEDULE

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3. SERVICE CHARGES

3.1 MISCELLANEOUS NONRECURRING CHARGES

3.1.1 SERVICE CHARGES

B.1.b. (Cont'd)

- (6) Establishing, changing or discontinuing arrangements for:
- \* Calling Card
  - \* Tele-Chek Plan
  - \* Mail Bill address Arrangements
  - \* Other Special Billing Arrangements
- (7) Cancellation of Orders
- (8) Changes in primary listings for either residence or business service due to a change in responsibility provided service and billing are continuous and no final bill is rendered.
- c. One (1) Service Order Charge and one (1) Central Office Line Charge applies per customer request to suspend and restore service. The rate is applied to the restore portion of the order.
- d. If work involving both business and residence items of service qualifies for application of one Service Order Charge, as specified in C., following, the Business Service Order Charge applies.
- e. "Amending Customer Requests" are not subject to additional Service Order Charge.

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1. Service Charges apply to any services which have a "Product" charge when changing from one type of equipment to another having a lower monthly rate.

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Signature of Issuing Office Kent Allena Issue Date \_\_\_\_\_  
PRESIDENT Effective Date 12-19-97

PRICE SCHEDULE

3. SERVICE CHARGES

3.1 MISCELLANEOUS NONRECURRING CHARGES

3.1.1 SERVICE CHARGES (Cont'd)

C. Application of Charges

NONRECURRING  
CHARGE

1. Residence and Combination Residence/Business

a. Service Ordering Charge<sup>2</sup>

Per customer request for work ordered and requested to be completed at the same time on the same premises

- \* For connecting new or additional central office lines and trunks, per group of 20 or less worked on \$16.96
- \* For changing existing service, adding new or additional services, other than central office lines and trunks, per group of 20 or less locations worked on and may include Directory Listing Service<sup>3</sup> 12.71
- \* For Directory Listing Service additions or changes<sup>4</sup> 8.48

-----  
2. One Service Ordng Charge applies for all services located at a premises except no additional Service Ordering Charge applies for off-premises or secondary locations.

3. Where more than 20 locations are worked on, additional Service Ordering Charges apply for each group in multiples of 20 or less.

4. When requested, work activity involves the establishment or addition of central office lines and trunks, the higher Service Ordering charge always applies.

Signature of Issuing Office

*Kent Kloma*  
PRESIDENT

Issue Date

Effective Date 12-19-97

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DICKEY RURAL COMMUNICATIONS, INC  
ELLENDALE, NORTH DAKOTA  
Effective: \_\_\_\_\_

SECTION 3  
Page \_\_\_\_  
Release 1

PRICE SCHEDULE

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3. SERVICE CHARGES

3.1 MISCELLANEOUS NONRECURRING CHARGES

3.1.1 SERVICE CHARGES

C.1. (Cont'd)

NONRECURRING  
CHARGE

b. Central Office Line Charge

Per line or central office telephone  
number worked on, including, but not  
limited to, the following:

* Central office lines, each	\$14.83
* Off-premises extension lines involving central office work, each	14.83

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Signature of Issuing Office

*Karl Klama*  
PRESIDENT

Issue Date

Effective Date 12-19-97

PRICE SCHEDULE

3. SERVICE CHARGES

3.1 MISCELLANEOUS NONRECURRING CHARGES

3.1.1 SERVICE CHARGES

C. Application of Charges (Cont'd)

NONRECURRING  
CHARGE

2. Business

a. Service Ordering Charge<sup>5</sup>

Per customer request for work ordered and requested to be completed at the same time at the same location

\* For connecting new or additional central office lines and trunks, per group of 20 or less locations worked on \$32.25

\* For changing existing service, adding new or additional service, other than central office lines and trunks, per group of 20 or less locations worked on and may include Directory Listing Service<sup>6</sup> 18.26

\* For Directory Listing Service additions or changes<sup>7</sup> 12.89

-----  
5. One Service Ordering Charge applies for all services located at a premises except no additional Service Ordering Charge applies for off-premises or secondary locations.

6. Where more than 20 locations are worked on, additional Service Ordering Charges apply for each group in multiples of 20 or less.

7. When requested work activity involves the establishment or addition of central office lines and trunks, the higher level Service Ordering Charge always applies.

Signature of Issuing Office

*Norm Klara*  
PRESIDENT

Issue Date

Effective Date 12-11-97

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DICKEY RURAL COMMUNICATIONS, INC  
ELLENDALE, NORTH DAKOTA  
Effective: \_\_\_\_\_

SECTION 3  
Page \_\_\_\_  
Release 1

PRICE SCHEDULE

3. SERVICE CHARGES

3.1 MISCELLANEOUS NONRECURRING CHARGES

3.1.1 SERVICE CHARGES

C.2. (Cont'd)

NONRECURRING  
CHARGE

b. Central Office Line Charge

Per line or central office telephone  
number worked on, including, but not  
limited to, the following:

- \* Central office lines, each \$20.42
- \* Private branch exchange trunks, each 20.42
- \* Centrex/CENTRON station lines and  
restricted station lines, each 20.42

Signature of Issuing Office Kent Klum Issue Date \_\_\_\_\_  
PRESIDENT Effective Date 12-19-97

PRICE SCHEDULE

5. EXCHANGE SERVICES

5.2 LOCAL EXCHANGE SERVICE

5.2.6 LOW INCOME TELEPHONE ASSISTANCE PROGRAM

A. Link-Up America

North Dakota residents who are eligible to receive Food Stamps, Aid to Families with Dependent Children, Fuel Assistance and Medicaid benefits may also qualify for the Link-Up America Program. A 50% discount (USOC LNK) up to \$30.00 will be applied on connection charges to establish service at a new address. This discount applies only on a single line at the principal place of residence for the applicant.

The following eligibility criteria will apply:

- \* Applicant must not be a dependent for federal income tax purposes, unless he or she is more than 60 years of age.

- \* Applicant must meet the state requirements for Food Stamps, Aid to Families with Dependent Children, Fuel Assistance and Medicaid.

B. North Dakota Telephone Assistance (Lifeline) Program

A program which provides reduced monthly rates for low income residential customers who meet eligibility requirements for Food Stamps, Aid to Families with Dependent Children, Fuel Assistance and Medicaid. Rates under this program apply to the single line serving the customer's principal residence.

	CODE	CREDIT
* Credit for FCC End User Common Line (EUCL) Charge	OLAFD	\$ 3.50
* Credit for the Exchange Access Line	OLALS	3.50

Signature of Issuing Office Kent Klara Issue Date \_\_\_\_\_  
PRESIDENT Effective Date 12-19-97

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DICKEY RURAL COMMUNICATIONS, INC  
ELLENDALE, NORTH DAKOTA  
Effective: \_\_\_\_\_

SECTION 5  
Page \_\_\_  
Release \_\_\_

PRICE SCHEDULE

5. EXCHANGE SERVICES

5.1 EXCHANGE AREAS

- 5.1.1 EXCHANGE RATE GROUPS  
C. Basic Local Exchange Rates with EAS Increments

ASHLEY, NORTH DAKOTA<sup>1</sup>

Monthly rates applying to local exchange service in the Ashley exchange are as follows:

	MONTHLY RATE
FLAT SERVICE	
Business	
1-Party	26.73
Trunk	39.13
Semipublic	22.80
Combination Residence/Business	17.51
Residence	
1-Party <sup>2</sup>	10.89
2-Party <sup>2</sup>	9.12
MEASURED SERVICE	
Residence	9.01
Combination Residence/Business	13.51
The flat rates listed above include flat-rate calling privileges to the following exchanges of Lehr, Venturia, Zeeland, Nelvik and Wishek.	
EAS RATE	
Business	3.68
Combination Residence/Business	2.98
Residence	1.84

-----  
1. This exchange includes, in addition to the rural territory in South Dakota near Ashley, North Dakota, the territory in North Dakota comprising the City of Ashley and vicinity.

2. Obsolete Offering - Limited to existing installations for the same customer on the same premises.

Signature of Issuing Office

*Kent Klorna*  
PRESIDENT

Issue Date

Effective Date 12-14-97



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DICKEY RURAL COMMUNICATIONS, INC  
ELLENDALE, NORTH DAKOTA  
Effective: \_\_\_\_\_

SECTION 5  
Page \_\_\_\_  
Release \_\_\_\_

PRICE SCHEDULE

5. EXCHANGE SERVICES

5.1 EXCHANGE AREAS

5.1.1 EXCHANGE RATE GROUPS

C. Basic Local Exchange Rates with EAS Increments (Cont'd)

EDGELEY, NORTH DAKOTA

Monthly rates applying to local exchange service in the Edgeley exchange are as follows:

	MONTHLY RATE
FLAT SERVICE	
Business	
1-Party	26.73
Trunk	34.84
Semipublic	21.37
Combination Residence/Business	17.51
Residence	
1-Party	10.89
2-Party <sup>1</sup>	9.12
MEASURED SERVICE	
Residence	9.01
Combination Residence/Business	13.51

The flat rates listed above include flat-rate calling privileges to the Jud Exchange.

EAS RATE	
Business	.82
Combination Residence/Business	.66
Residence	.41

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1. Obsolete Offering - Limited to existing installations for the same customer on the same premises.

Signature of Issuing Office

*Karl Klum*  
PRESIDENT

Issue Date

Effective Date 12-19-97

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DICKEY RURAL COMMUNICATIONS, INC  
ELLENDALE, NORTH DAKOTA  
Effective: \_\_\_\_\_

SECTION 5  
Page \_\_\_\_  
Release \_\_\_\_

PRICE SCHEDULE

5. EXCHANGE SERVICES

5.1 EXCHANGE AREAS

- 5.1.1 EXCHANGE RATE GROUPS
- C. Basic Local Exchange Rates with EAS Increments (Cont'd)

ELLENDALE, NORTH DAKOTA<sup>1</sup>

Monthly rates applying to local exchange service in the Ellendale exchange are as follows:

	MONTHLY RATE
FLAT SERVICE	
Business	26.73
1-Party	38.52
Trunk	22.60
Semipublic	20.16
Combination Residence/Business	
Residence	10.89
1-Party <sub>2</sub>	9.12
2-Party <sup>2</sup>	
MEASURED SERVICE	
Residence	9.01
Combination Residence/Business	13.51
The flat rates listed above include flat-rate calling privileges to the following exchanges of Forbes, Guelph, Fullerton and Merricourt.	
EAS RATE	
Business	3.27
Combination Residence/Business	2.65
Residence	1.64

-----  
1. This exchange includes, in addition to the area comprising the City of Ellendale and vicinity, the City of Monango and vicinity and certain rural territory in the State of South Dakota.

2. Obsolete Offering - Limited to existing installations for the same customer on the same premises.

Signature of Issuing Office

*Karl Klama*  
PRESIDENT

Issue Date

Effective Date 12-19-97

PRICE SCHEDULE

5. EXCHANGE SERVICES

5.1 EXCHANGE AREAS

5.1.1 EXCHANGE RATE GROUPS

C. Basic Local Exchange Rates with EAS Increments (Cont'd)

FORMAN, NORTH DAKOTA<sup>1</sup>

Monthly rates applying to local exchange service in the Forman exchange are as follows:

	MONTHLY RATE
FLAT SERVICE	
Business	
1-Party	26.73
Trunk	36.06
Semipublic	21.78
Combination Residence/Business	18.83
Residence	
1-Party <sup>2</sup>	10.89
2-Party <sup>2</sup>	9.12
MEASURED SERVICE	
Residence	9.01
Combination Residence/Business	13.51
The flat rates listed above include flat-rate calling privileges to the following exchanges of Gwinner and Milnor.	
EAS RATE	
Business	1.63
Combination Residence/Business	1.32
Residence	.82

-----  
1. This exchange includes, in addition to the City of Forman and vicinity, the City of Cayuga and vicinity, the City of Cogswell and vicinity, the City of Havana and vicinity, the City of Rutland and vicinity, certain rural territory in the State of South Dakota.

2. Obsolete Offering - Limited to existing installations for the same customer on the same premises.

Signature of Issuing Office

*Kend Klama*  
PRESIDENT

Issue Date

Effective Date 12-19-97

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DICKEY RURAL COMMUNICATIONS, INC  
ELLENDALE, NORTH DAKOTA  
Effective: \_\_\_\_\_

SECTION 5  
Page \_\_\_\_  
Release \_\_\_\_

PRICE SCHEDULE

5. EXCHANGE SERVICES

- 5.1 EXCHANGE AREAS  
5.1.1 EXCHANGE RATE GROUPS  
C. Basic Local Exchange Rates with EAS Increments (Cont'd)

KULM, NORTH DAKOTA

Monthly rates applying to local exchange service in the  
Kulm exchange are as follows:

	MONTHLY RATE
FLAT SERVICE	
Business	
1-Party	26.73
Trunk	33.03
Semipublic	21.77
Combination Residence/Business	18.82
Residence	
1-Party	10.89
2-Party <sup>1</sup>	9.12
MEASURED SERVICE	
Residence	9.01
Combination Residence/Business	13.51

The flat rates listed above include flat-rate calling  
privileges to the following exchange of Predonia.

EAS RATE	
Business	1.61
Combination Residence/Business	1.31
Residence	.81

-----  
1. Obsolete Offering - Limited to existing installations for the  
same customer on the same premises.

Signature of Issuing Office Ken Kloma Issue Date \_\_\_\_\_  
PRESIDENT Effective Date 2-19-97

PRICE SCHEDULE

5. EXCHANGE SERVICES

5.1 EXCHANGE AREAS

5.1.1 EXCHANGE RATE GROUPS

C. Basic Local Exchange Rates with EAS Increments (Cont'd)

LaMOURE, NORTH DAKOTA<sup>1</sup>

Monthly rates applying to local exchange services in the LaMoire exchange are as follows:

	MONTHLY RATE
FLAT SERVICE	
Business	
1-Party	26.73
Trunk	37.29
Semipublic	22.19
Combination Residence/Business	19.50
Residence	
1-Party <sup>2</sup>	10.89
2-Party <sup>2</sup>	9.12
MEASURED SERVICE	
Residence	9.01
Combination Residence/Business	13.51
The flat rates listed above include flat-rate calling privileges to the exchanges of Dickey, Marion and Verona.	
EAS RATE	
Business	.82
Combination Residence/Business	.66
Residence	.41

-----  
1. This exchange included in addition to the area comprising the City of LaMoire and vicinity, the City of Berlin and vicinity.

2. Obsolete Offering - Limited to existing installations for the same customer on the same premises.

Signature of Issuing Office

*Kent Bluma*  
PRESIDENT

Issue Date

Effective Date 12-19-97

DICKEY RURAL COMMUNICATIONS, INC  
ELLENDALE, NORTH DAKOTA  
Effective: \_\_\_\_\_

SECTION 5  
Page \_\_\_\_  
Release \_\_\_\_

PRICE SCHEDULE

5. EXCHANGE SERVICES

5.1 EXCHANGE AREAS

5.1.1 EXCHANGE RATE GROUPS

C. Basic Local Exchange Rates with EAS Increments (Cont'd)

OAKES, NORTH DAKOTA

Monthly rates applying to local exchange service in the Oakes exchange are as follows:

	MONTHLY RATE
FLAT SERVICE	
Business	
1-Party	26.73
Trunk	36.68
Semipublic	21.98
Combination Residence/Business	19.17
Residence	
1-Party <sup>1</sup>	10.89
2-Party <sup>1</sup>	9.12
MEASURED SERVICE	
Residence	9.01
Combination Residence/Business	13.51

The flat rates listed above include flat-rate calling privileges to the Crete, Verona and Guelph exchanges.

EAS RATE	
Business	2.04
Combination Residence/Business	1.66
Residence	1.03

-----  
1. Obsolete Offering - Limited to existing installations for the same customer on the same premises.

Signature of Issuing Office Kent Klena<sup>1</sup> Issue Date \_\_\_\_\_  
PRESIDENT Effective Date 12-19-97