

TC98-061

1/2/98

TC98-061

DOCKET NO.

In the Matter of

IN THE MATTER OF THE APPLICATION OF DAKOTA TELECOM, INC. AND DAKOTA TELECOMMUNICATIONS SYSTEMS, INC. SEEKING AUTHORITY TO INVOKE SECTION 252(i) OF THE TELECOMMUNICATIONS ACT OF 1996 TO UTILIZE THE NEGOTIATED AGREEMENT BETWEEN SPRINT COMMUNICATIONS COMPANY, L.P. AND U S WEST COMMUNICATIONS, INC.

Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

2/25/98 Filed and docketed;
2/26/98 TC Ltr. Filing;
11/17/98 Order Closing Docket;
11/17/98 Docket Closed.

TC 98-061



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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

BY 1ST CLASS MAIL

February 23, 1998

Tradition

Technology

Talent

Teamwork

William Bullard, Executive Director
South Dakota Public Utilities Commission
501 East Capitol
Pierre, South Dakota 57501

RE: TC98- PETITION

Dear Mr. Bullard:

On behalf of Dakota Telecom, Inc., and Dakota Telecommunications Systems, Inc., I have enclosed the original and eleven copies of a PETITION for the above referenced docket. This PETITION is being served to the party listed on the service list this same date.

Please file stamp and date the extra copy and return to Robert G. Marnet, Dakota's attorney, in the enclosed self-addressed stamped envelope. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kristie Lyngstad".

Kristie Lyngstad
Administrative Assistant

Enclosure

SIoux FALLS
140 North Pierre
Suite 8404
Sioux Falls, South Dakota
57104-6711
605 335 8825
888 269 4384
Fax 605 335 3942
www.dtg.com

1070-001
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FEB 25 1998
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

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

IN THE MATTER OF THE APPLICATION)
OF DAKOTA TELCOM, INC. AND) PETITION
DAKOTA TELECOMMUNICATIONS)
SYSTEMS, INC. SEEKING AUTHORITY TO) DOCKET TC98-_____
INVOKE SECTION 252 (i) OF THE)
TELECOMMUNICATIONS ACT OF 1996)
TO UTILIZE THE NEGOTIATED AGREEMENT)
BETWEEN SPRINT COMMUNICATIONS)
COMPANY, L.P. AND U S WEST)
COMMUNICATIONS, INC.)

COME NOW, DAKOTA TELCOM, INC. AND DAKOTA TELECOMMUNICATIONS
SYSTEMS, INC., (collectively "Dakota") and Petition the South Dakota Public Utilities
Commission (the "Commission") as follows:

- 1) Dakota Telecom, Inc. and Dakota Telecommunications Systems, Inc. are each certified by
the Commission as competitive local exchange telecommunications companies.
- 2) The companies have previously entered into an agreement with U S West Communications,
Inc. which provided for mutual compensation for termination of local calls. The Agreement,
which has been approved by this Commission, contained a "Most Favored Nation Terms and
Treatment" section. That Section stated in full: "The parties agree that the provisions of
Section 252(i) of the Act shall apply, including state and federal interpretive regulations in
effect from time to time." That Agreement defines the "Act" to be the Communications Act
of 1934 as amended by the Telecommunications Act of 1996.
- 3) Section 252(i) of the Telecommunications Act of 1996 states as follows:
 - (i) Availability to Other Telecommunications Carriers.--A local exchange carrier
shall make available any interconnection, service, or network element provided


under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.

- 4) Dakota herewith seeks Commission authority to utilize, in its entirety, the negotiated agreement between Sprint Communications Company, L.P. and U S WEST Communications, Inc. which was filed for approval with the Commission on August 27, 1997, and which was approved by the Commission, subject to minor revisions, on November 18, 1997.

WHEREFORE, Dakota respectfully requests that this Commission grant authority for Dakota Telecom, Inc. and Dakota Telecommunications Systems, Inc. to utilize the terms and conditions of the Agreement between Sprint Communications Company, L.P. and U S WEST Communications, Inc. as those terms and conditions have been or may be approved by the South Dakota Public Utilities Commission.

Dated this 23rd day of February, 1998.

Dakota Telecom, Inc.
Dakota Telecommunications Systems, Inc.



By: Robert G. Marmet
PO Bex 127
Irene, SD 57037
Phone (605) 263-3301
Fax (605) 263-3995

CERTIFICATE OF SERVICE

I, Kristie L. Lyngstad, hereby certify that on the 23 day of February, 1998, I mailed by United States mail, first class postage prepaid, a true and correct copy of the foregoing Petition, to the following:

Director Interconnection Compliance
U S WEST Communications, Inc.
150 S. 5th Street, Room 2800
Minneapolis, MN 55402

Dated this 23 day of February, 1998.


Kristie L. Lyngstad

South Dakota
Public Utilities Commission
State Capitol 500 E. Capitol
Pierre, SD 57501-5070
Phone: (605) 773-3705
Fax: (605) 773-3809

TELECOMMUNICATIONS SERVICE FILINGS

These are the telecommunications service filings that the Commission has received for the period of:

02/20/98 through 02/26/98

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
REQUEST FOR CERTIFICATE OF AUTHORITY			
TC98-055	Application by Western Tele-Communications, Inc./Retail Sales Group d/b/a People Link by TCI for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/CH) "Applicant seeks to provide intrastate toll service from points of origin in South Dakota to destination points in South Dakota, other parts of the United States, and foreign countries. Applicant intends to offer these services under a variety of means, initially by means of prepaid debit calling cards. Applicant intends to provide services as a non-facilities based carrier, and will not construct any new facilities in South Dakota to implement the authority sought herein. Applicant does not intend to provide local exchange service. Applicant's Prepaid Calling Card will be offered at a fixed dollar amount."	02/20/98	03/13/98
TC98-056	Application by North Dakota Long Distance for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/CH) Applicant seeks to provide "long distance services which include prepaid calling cards, travel cards, 10XXX, international calling, and 800/888# service... North Dakota Long Distance will resell the above listed services through a contract with WorldCom. NDLD does not own or maintain any lines."	02/23/98	03/13/98
TC98-057	Application by SmartStop, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: DJ/KC) "Applicant seeks...authority to serve, 800 WATS, and 1+ prepaid telecard services COCOT (COPT) and IPP to the general public... Such authority would include twenty-four hour origination and termination intrastate interLATA and intraLATA calls for customers, and to operate as a Travel and Prepaid Card reseller and Independent Payphone Provider (IPP). SmartStop is not applying for authorization to provide Operator services."	02/23/98	03/13/98
TC98-058	Application by Nova Telecom, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: DJ/KC) "Applicant is a reseller which intends to offer 1+ direct dialing, 800 toll free, travel card and prepaid calling card service through the resale of telephone services provided by facilities-based interexchange carriers."	02/23/98	03/13/98
TC98-059	Application by CSI Corp for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/KC) "Applicant proposes to offer switched and dedicated access "1+" long distance telecommunications services suitable for voice and limited data applications in the state of South Dakota. The applicant does not propose to provide alternative operator services."	02/23/98	03/13/98

TC98-060	Application by U.S. Telco, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/CH) "Applicant plans to provide on a resale basis, pre-paid monthly recurring, flat-rate local exchange service, including extended area service, toll restriction, call control options, tone dialing, custom calling services, and any other services available on a resale basis from U S WEST, the underlying incumbent local exchange carriers. Applicant will not construct, own or lease any facilities for the provision of its local services. Applicant hereby requests authority to provide interexchange telecommunications services throughout the state of South Dakota. Applicant intends to provide local exchange and interexchange telecommunications services in those areas currently served by U S WEST and any other relevant incumbent facilities-based LECs."	02/25/98	03/13/98
PETITION TO UTILIZE NEGOTIATED AGREEMENT			
TC98-061	Dakota Telecom, Inc. and Dakota Telecommunications Systems, Inc. filed a petition to utilize, in its entirety, the negotiated agreement between Sprint Communications Company, L.P. and U S WEST Communications, Inc. which was filed for approval with the Commission on August 27, 1997, and which was approved by the Commission, subject to minor revisions, on November 18, 1997. (Staff: HB/KC)	02/25/98	

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 terryn@puc.state.sd.us. Faxing the address to the Commission at 605-773-3809.



VIA FAX AND MAIL

April 4, 1998

William Bullard, Jr.
Executive Director
South Dakota Public Utilities Commission
Capitol Building, 1st Floor
500 East Capitol Avenue
Pierre, SD 57501-5070

RECEIVED

APR 08 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

FAX Received APR 06 1998

Tradition

Technology

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RE: Sprint Agreement Opt-in (TC 98-061)

Dear Mr. Bullard,

HEADQUARTERS
PO Box 106
29705 45th Avenue
Sioux Falls, South Dakota
57103-0106
605.263.3301
605.274.7401
FAX 605.263.3995
www.dtg.com

The agenda for the Commission meeting for April 9, 1998, has scheduled for consideration the petition by DTG to allow DTG to opt in to the interconnection agreement between U S WEST and Sprint, which agreement the Commission approved on November 18, 1997. Recent conversations between DTG and U S WEST have resulted in an oral agreement between the parties to resolve this issue without immediate Commission involvement. Accordingly, DTG requests, with the concurrence of U S WEST, that the matter be withdrawn from this docket, and that the docket be held in abeyance pending completion of negotiations between the parties and the filing of a signed opt-in agreement.

If there are any questions, or if you wish to discuss this request further, please contact me. Thank you.


William P. Heaston
Vice President - Legal

CC: Andrew Crain
James Gallegos
Jon Lehner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF)
DAKOTA TELECOM, INC. AND DAKOTA) ORDER CLOSING DOCKET
TELECOMMUNICATIONS SYSTEMS, INC.)
SEEKING AUTHORITY TO INVOKE SECTION) TC98-061
252(i) OF THE TELECOMMUNICATIONS ACT)
OF 1996 TO UTILIZE THE NEGOTIATED)
AGREEMENT BETWEEN SPRINT)
COMMUNICATIONS COMPANY, L.P. AND U S)
WEST COMMUNICATIONS, INC.)

On February 25, 1998, the South Dakota Public Utilities Commission (Commission) received a filing from Dakota Telecom, Inc. and Dakota Telecommunications Systems, Inc. (Dakota) requesting to utilize, in its entirety, the negotiated agreement between Sprint Communications Company, L.P. and U S WEST Communications, Inc. which was filed for approval with the Commission on August 27, 1997, and which was approved by the Commission, subject to minor revisions, on November 18, 1997. By letter dated April 4, 1998, Dakota requested, with the concurrence of U S West, that the docket be held in abeyance pending completion of negotiations between the parties. At its regularly scheduled meeting of April 9, 1998, the Commission deferred this matter.

At its regularly scheduled meeting of November 3, 1998, Dakota reported to the Commission that the matter had been resolved due to the action taken in docket TC97-126 and therefore requested that the docket be closed. The Commission voted to close the docket.

The Commission has jurisdiction in this matter pursuant to 47 U.S.C. § 252(e) and SDCL 49-31-81. It is therefore

ORDERED that the docket is hereby closed.

Dated at Pierre, South Dakota, this 17th day of November, 1998.

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 K. Kuba</u>
Date	<u>11/18/98</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner