

КС/НВ

TC 99-042

DOCKET NO.

**In the Matter of — IN THE MATTER OF THE FILING BY
_____ CONSOLIDATED TELEPHONE
_____ COOPERATIVE AND ITS WHOLLY
_____ OWNED SUBSIDIARY,
_____ CONSOLIDATED TELCOM, INC.,
_____ FORMERLY KNOWN AS CTC
_____ COMMUNICATIONS, INC. FOR
_____ APPROVAL OF PETITION FOR
_____ SUSPENSION AND MODIFICATION OF
_____ DIALING PARITY**

Public Utilities Commission of the State of South Dakota

DATE		MEMORANDA
4/20	99	Filed and Docketed;
4/23	99	Weekly Filing;
5/7	99	Staff Comments on Initial ATA, Toll Disabling Parity Plans;
6/22	99	Order Granting Petition for Suspension and Modification in Part;
8/9	99	Letter Requesting Suspension and Modification until 1/1/2000;
12/8	99	Order Approving Disabling Parity Implementation Plans;
12/8	99	Docket Closed.

TC99-042



Consolidated

Reach the World, from here.

April 21, 1999

RECEIVED

APR 23 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

FAX Received APR 20 1999

S.D. Public Service Commission
State Capitol Building
500 East Capitol Ave
Pierre, SD 57501-5070

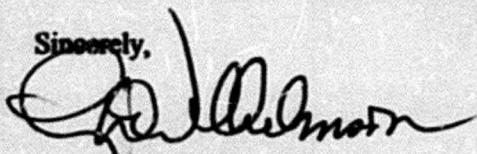
Attention: William Bullard, Executive Secretary

**CONSOLIDATED TELEPHONE COOPERATIVE AND ITS WHOLLY
OWNED SUBSIDIARY CONSOLIDATED TELCOM, INC. INTRALATA
DIALING PARITY IMPLEMENTATION PLAN**

We enclosed an application for approval of the companies' intraLATA dialing parity implementation plan, including a petition for suspension and modification of the requirement to implement intraLATA dialing parity until June 30, 2000. The companies affected are identified in the application.

The federal law under which the petition for suspension and modification is filed (47 U.S.C. 251(f)(2)) allows up to 180 days for the SD PSC to act, and also allows suspension pending final action. Accordingly, we request Commission action at its next regular meeting to order suspension pending final action. We presume a notice of opportunity for hearing on the plan and petition will be issued in the normal course.

Sincerely,



L. Dan Wilhelmson
CEO/General Manager

mb
enc.

PUBLIC UTILITIES COMMISSION

STATE OF SOUTH DAKOTA

**Consolidated Telephone Cooperative
and its wholly owned subsidiary,
Consolidated Telcom, Inc.,
formerly known as CTC Communications, Inc.
Dialing Parity Plan and
Application for Suspension and Modification**

Case No. _____

**DIALING PARITY IMPLEMENTATION PLAN
And
PETITION FOR SUSPENSION AND MODIFICATION**

INTRODUCTION and SUMMARY

This plans and application is filed by the following local exchange carriers providing local exchange access in South Dakota:

Consolidated Telephone Cooperative, and its wholly owned subsidiary, Consolidated Telcom, Inc., formerly known as CTC Communications, Inc.

These companies are collectively referred to as Consolidated. Consolidated provides telecommunications services in certified local exchange areas in South Dakotas. Each company is a local exchange carrier (sometimes abbreviated LEC) and a rural telephone company as defined in the Communications Act of 1934 as amended by the Telecommunications Act of 1996 (the Act). Each has fewer than 2% of the Nation's subscriber lines installed in the aggregate nationwide. The services of the Consolidated carriers include exchange access, as defined by the Act.

Consolidated files this plan for implementation of intraLATA dialing parity in its service areas in South Dakota. Pursuant to 47 U.S.C. 251(f)(2), Consolidated petitions the PUC for a suspension and modification of the requirement for implementation of intraLATA dialing party in its service areas, until June 30, 2000. Suspension of enforcement of the requirement for implementation of intraLATA dialing parity is requested pending action of the petition.

BACKGROUND

The Telecommunications Act of 1996 (amending the Communications Act of 1934) imposed on local exchange carriers the obligation to provide dialing parity to competing interexchange carriers. 47 U.S.C. 251(b)(3). In proceedings to implement the Act, in August 1996, the FCC issued its Order and promulgated Regulations (47 C.F.R. 51.209-215) requiring local exchange carriers to implement dialing parity no later than February 9, 1999. (CC Docket No. 96-98, Second Report and Order, 11 FCC Rcd 19392, herein called the 1996 Order.) On appeal, those regulations were vacated by the Court of Appeals and ultimately reinstated by the United States Supreme Court in January 1999. (AT&T v. Iowa Utilities Board, 119 S. Ct. 721). Most recently, in March 1999, the FCC issued its Orders establishing a new schedule for intraLATA dialing parity, replacing the February 8, 1999, date which has come and gone. (CC Docket No. 96-98, Order adopted March 19 and released March 23, 1999, FCC 95-54, herein called the 1999 Order.) Under the FCC's self-described "compressed schedule" for LECs to implement intraLATA dialing parity, the 1999 Order requires

No later than April 22, 1999, all LECs must file intraLATA toll dialing parity plans with their state regulatory commissions. If a state commission has not acted on a filed plan by June 22, 1999, the LEC must file its plan with the FCC for action in lieu of state action. A LEC's dialing parity plan must be implemented within 30 days after approval by the state commission, i.e., not later than July 22, 1999.

The FCC has directly ordered LECs to act within a certain time and indirectly encouraged the states' commissions to act within a certain time, to accomplish the FCC's compressed schedule aiming at July 22 as a target for the implementation of intraLATA parity in all states. (See 1999 Order, footnote 22.)

Read in isolation, the 1999 Order seems to oblige BOCs and non-BOCs alike. Read for what it is, an updated modification of the 1996 Order and understanding both Orders as implementing the 1996 Act, it is clear the "Exemptions, Suspensions, and Modifications" provisions of the Act apply. Specifically, section 251(f)(2) of the Act provides any LEC that is smaller than 2% of the Nation's subscriber lines may petition its State Commission for a suspension of modification of the dialing parity requirement of section 252(b)(3). See also paragraph 7 of the FCC's 1996 Order (and its footnote reference to section 251(f)(2): "We note that smaller LECs, for which this implementation schedule may be unduly burdensome, may petition their state commission for a suspension or modification of this requirement."

**CONSOLIDATED TELEPHONE COOPERATIVE AND CONSOLIDATED
TELCOM, INC., FORMERLY KNOWN AS CTC COMMUNICATIONS, INC.
DIALING IMPLEMENTATION PLAN**

The Consolidated companies propose that intraLATA toll dialing parity be implemented in their respective exchange areas in South Dakota before July 1, 2000.

- A. In preparation for the implementation of intraLATA toll dialing parity, Consolidated would develop procedures for timely notification of their respective subscribers and methods to enable subscribers to affirmatively select an intraLATA toll provider, and for interexchange carrier notification. (Complex and costly "balloting" processes comparable to processes for the implementation of interLATA dialing parity are not anticipated.)
- B. In preparation for the implementation of intraLATA toll dialing parity, Consolidated would develop and file with the PUC, before February 1, 2000, fully compensatory local exchange access rates to be effective when intraLATA toll dialing parity is implemented by the LEC.

PETITION FOR SUSPENSION AND MODIFICATION

Pursuant to 47 U.S.C. 251(f)(2), Consolidated petitions the PUC for a suspension and modification of the equipment for implementation of intraLATA dialing parity in these local exchange carriers' respective service areas, until June 30, 2000.

The grounds for the petition are that suspension and modification are: a) necessary to avoid imposing requirements that are unduly economically burdensome and infeasible, and b) consistent with the public interest, convenience and necessity. The compressed schedule mandated by the FCC's 1999 Order is burdensome and infeasible for small LECs to develop and administer plans for timely notification of their subscribers and interexchange carriers regarding subscribers' selection of intraLATA toll providers, and for small LECs to develop fully compensatory local exchange access rates to replace the current arrangement.

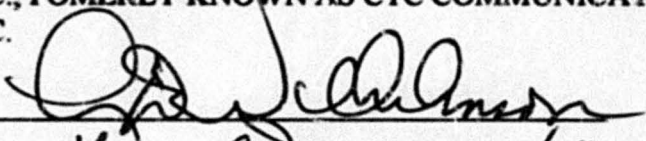
THEREFORE, Consolidated Telephone Cooperative and its wholly owned subsidiary, Consolidated Telcom, Inc., formerly known as CTC Communications, Inc., apply for the approval of the intraLATA toll dialing parity plan described in this application and petition for a suspension and modification of the requirement for implementation of intraLATA dialing parity in their respective service areas, until June 30, 2000. Pending action of the petition, Consolidated requests suspension of enforcement of the requirement for implementation of intraLATA dialing parity.

Dated the 21st day of April, 1999

CONSOLIDATED TELEPHONE COOPERATIVE AND ITS
WHOLLY OWNED SUBSIDIARY, CONSOLIDATED TELCOM,
INC., FORMERLY KNOWN AS CTC COMMUNICATIONS,
INC.

BY

ITS


General Manager / CEO

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of April 15, 1999 through April 22, 1999

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact
Delaine Kolbo within five business days of this filing.
Phone: 605-773-3705 Fax: 605-773-3809

ELECTRIC

EL99-004 In the Matter of the Filing by MidAmerican Energy Company for Approval of a New Street Lighting Service.

MidAmerican Energy Company is filing to revise the South Dakota Electric Tariff No. 1 to include a price code for a 100-watt High Pressure Sodium Victorian style fiberglass pole street light.

Staff Analyst: Keith Senger
Staff Attorney: Karen Cremer
Date Filed: 04/21/99
Intervention Deadline: 05/07/99

TELECOMMUNICATIONS

TC99-030 In the Matter of the FCC Order Establishing New Deadlines for Implementation of IntraLATA Dialing Parity by Local Exchange Carriers.

The following local exchange carriers have filed IntraLATA Dialing Parity Implementation Plans: Heartland Telecommunications Company of Iowa on April 20, 1999; Accent Communications, Inc. on April 20, 1999, is requesting Commission approval to send out carrier notification letters in advance of final Commission action on the proposed plan, carrier notifications completed by June 1, 1999; Splitrock Properties, Inc. on April 21, 1999, is requesting Commission approval to send out carrier notification letters in advance of final Commission action on the proposed plan, carrier notifications completed by June 1, 1999; Jefferson Telephone Company on April 21, 1999, is requesting Commission approval to send out carrier notification letters in advance of final Commission action on the proposed plan, carrier notifications completed by May 10, 1999; Venture Communications, Inc. on April 21, 1999, is requesting Commission approval to send out carrier notification letters in advance of final Commission action on the proposed plan, carrier notifications completed by June 1, 1999; Hanson County Telephone Company on April 21, 1999, is requesting Commission approval to send out carrier notification letters in advance of final Commission action on the proposed plan, carrier notifications completed by June 1, 1999; Hanson Communications, Inc. d/b/a McCook Telecom on April 21, 1999, is requesting Commission approval to send out carrier notification letters in advance of final Commission action on the proposed plan, carrier notifications completed by June 1, 1999; Vivian Telephone Company d/b/a Golden West Communications, Inc. on April 21, 1999, is requesting Commission approval to send out carrier notification letters in advance of final Commission action on the proposed plan, carrier notifications completed by June 1, 1999; Stockholm Strandburg Telephone Co. on April 22, 1999, is requesting Commission approval to send out carrier notification letters in advance of final Commission action on the proposed plan, carrier notifications completed by June 1, 1999; AT&T Communications of the Midwest, Inc. on April 22, 1999; Midco Communications on April 22, 1999; Heartland Communications, Inc. on April 22, 1999; Mcbridge Telecommunications on April 22, 1999, is requesting Commission approval to send out carrier notification letters in advance of final Commission action on the proposed plan, carrier notifications completed by June 1, 1999; West River Telecommunications Cooperative on April 22, 1999, is requesting Commission approval to

send out carrier notification letters in advance of final Commission action on the proposed plan, carrier notifications completed by June 1, 1999; Dakota Telecommunications Group, Inc., DTG Community Telephone, Inc. and Dakota Telecom, Inc. on April 22, 1999; Stateline Telecommunications, Inc. on April 22, 1999, is requesting Commission approval to send out carrier notification letters in advance of final Commission action on the proposed plan, carrier notifications completed by June 1, 1999; and U S WEST Communications, Inc. on April 22, 1999, "U S WEST will file a waiver with the FCC requesting an extension of time to implement toll dialing parity in the following three exchanges: McIntosh (605-273), Timber Lake (605-865), and Morristown (605-524). These exchanges were the subject of sale of exchanges with the Cheyenne River Tribe, and will be converted at a later date. Customers in these exchanges will be notified separately to inform them of the extension of time and the implementation date."

Staff Analyst: Harlan Best
Staff Attorney: Karen Cremer
Comments Due: 05/07/99
Reply Comments Due: 05/17/99

The following local exchange carriers have completed conversion to intraLATA dialing parity: Fort Randall Telephone Company on April 21, 1999; Mt. Rushmore Telephone Company on April 21, 1999; and CommChoice, LLC on April 22, 1999.

TC99-037 In the Matter of the Application of Long Distance America, Inc. for a Certificate of Authority to Provide Telecommunications Services in South Dakota.

Application by Long Distance America, Inc. for a certificate to provide 1+ and 101XXXX direct outbound dialing, 800/888 toll free inbound dialing and travel card interexchange service on a resold basis.

Staff Analyst: Dave Jacobson
Staff Attorney: Camron Hoseck
Date Filed: 04/15/99
Intervention Deadline: 05/07/99

TC99-038 In the Matter of the Application of FON Digital Network, Inc. for a Certificate of Authority to Provide Telecommunications Services in South Dakota.

On April 15, 1999, the Commission received an application by FON Digital Network, Inc. for a Certificate of Authority to provide telecommunications services in South Dakota. FON Digital Network, Inc. is a reseller which intends to offer 1+ and 101XXXX direct outbound dialing, 800/888 toll-free inbound dialing, travel card and prepaid calling card service.

Staff Analyst: Bob Knadle
Staff Attorney: Karen Cremer
Date Filed: 04/15/99
Intervention Deadline: 05/07/99

TC99-039 In the Matter of the Application of Concert Communications Sales LLC for a Certificate of Authority to Provide Local Exchange Services in South Dakota.

Concert Communications Sales LLC has filed a request for a Certificate of Authority to provide local telecommunications services on a resale basis throughout South Dakota. They plan to provide local telephone service, access service, private line, internet access service and data transmission services.

Staff Analyst: Michele Farris
Staff Attorney: Camron Hoseck

Date Filed: 04/19/99
Intervention deadline: 05/07/99

TC99-040 In the Matter of the Application of Cable & Wireless Global Markets, Inc. for a Certificate of Authority to Provide Telecommunications Services in South Dakota.

Cable & Wireless Global Markets, Inc. is a reseller who intends to offer interexchange interLATA and intralATA telecommunications services on a statewide basis.

Staff Analyst: Keith Senger
Staff Attorney: Karen Cremer
Date Filed: 04/19/99
Intervention Date: 05/07/99

TC99-041 In the Matter of the Filing by Dickey Rural Telephone Cooperative and its Wholly Owned Subsidiary, Dickey Rural Communications, Inc. for Approval of Petition for Suspension and Modification of Dialing Party.

Dickey Rural Telephone Cooperative and Dickey Rural Communications, Inc. each have fewer than 2% of the Nation's subscriber lines installed in the aggregate. Pursuant to 47 U.S.C. 251(f)(2), Dickey Rural Telephone Cooperative and Dickey Rural Communications, Inc. petitions the Commission for a suspension and modification of the requirement for implementation of intralATA dialing party in its service areas until June 30, 2000. The grounds for the petition are that suspension and modification are: a) necessary to avoid imposing requirements that are unduly economically burdensome and infeasible, and b) consistent with the public interest, convenience and necessity. The compressed schedule mandated by CC Docket No. 96-98, Order adopted March 19 and released March 23, 1999, FCC 99-54 is burdensome and infeasible for small LECs to develop and administer plans for timely notification of their subscribers and interexchange carriers regarding subscribers' selection of intralATA toll providers, and for small LECs to develop fully compensatory local exchange access rates to replace the current arrangement.

Staff Analyst: Hailan Best
Staff Attorney: Karen Cremer
Date Filed: 04/19/99
Comments Due: 05/07/99
Reply Comments Due 05/17/99

In the Matter of the Filing by Consolidated Telephone Cooperative and its Wholly Owned Subsidiary, Consolidated Telcom, Inc. formerly known as CTC Communications, Inc. for Approval of Petition for Suspension and Modification of Dialing Party.

Consolidated Telephone Cooperative and Consolidated Telcom, Inc. formerly known as CTC Communications, Inc. each have fewer than 2% of the Nation's subscriber lines installed in the aggregate. Pursuant to 47 U.S.C. 251(f)(2), Consolidated Telephone Cooperative and Consolidated Telcom, Inc. formerly known as CTC Communications, Inc. petitions the Commission for a suspension and modification of the requirement for implementation of intralATA dialing party in its service areas until June 30, 2000. The grounds for the petition are that suspension and modification are: a) necessary to avoid imposing requirements that are unduly economically burdensome and infeasible, and b) consistent with the public interest, convenience and necessity. The compressed schedule mandated by CC Docket No. 96-98, Order adopted March 19 and released March 23, 1999, FCC 99-54 is burdensome and infeasible for small LECs to develop and administer plans for timely notification of their subscribers and interexchange carriers regarding subscribers' selection of intralATA toll providers, and for small LECs to develop fully compensatory local exchange access rates to replace the current arrangement.

Staff Analyst: Harlan Best
Staff Attorney: Karen Cremer
Date Filed: 04/20/99
Comments Due: 05/07/99
Reply Comments Due: 05/17/99

TC99-043 In the Matter of the Filing by Kennebec Telephone Company for Approval of Dialing Parity Implementation Plan and Petition for Suspension and Modification of Dialing Parity.

Kennebec Telephone Company filed its intraLATA toll dialing parity implementation plan and, pursuant to ARSD 20:10:32:39 and 47 U.S.C. 251(f)(2), a petition for suspension and modification of the requirement for implementing intraLATA dialing parity until September 19, 1999. Kennebec Telephone Company has fewer than 2% of the Nation's subscriber lines installed in the aggregate. Kennebec Telephone Company's implementation of intraLATA dialing parity in Kennebec and Presho are part and parcel of its implementation of interLATA equal access for the Kennebec and Presho exchanges at the South Dakota Network switch in Sioux Falls. The implementation of Kennebec Telephone Company's dialing parity plan began before the FCC released its order in CC Docket No. 96-98, Order adopted March 19 and released March 23, 1999, FCC 99-54.

Staff Analyst: Harlan Best
Staff Attorney: Karen Cremer
Date Filed: 04/21/99
Comments Due: 05/07/99
Reply Comments Due: 05/17/99

TC99-044 In the Matter of the Application of RDST, Inc. for a Certificate of Authority to Provide Telecommunications Services in South Dakota.

Application by RDST, Inc. for a Certificate of Authority to provide Intrastate Telecommunications Services in South Dakota. RDST, Inc. proposes to offer intrastate, interexchange 1+ and 101XXXX outbound, 800/888 inbound, travel card and prepaid card service in South Dakota.

Staff Analyst: Dave Jacobson
Staff Attorney: Camron Hoseck
Date Filed: 04/21/99
Intervention Deadline: 05/07/99

TC99-045 In the Matter of the Application of DSLnet Communications, LLC for a Certificate of Authority to Provide Telecommunications Services, Including Local Exchange Services, in South Dakota.

On April 21, 1999, the Commission received an application by DSLnet Communications, LLC for a Certificate of Authority to provide resold and facilities-based local exchange and interexchange services to subscribers throughout the state of South Dakota. Initially, DSLnet intends to provide data transmission services only.

Staff Analyst: Bob Knadle
Staff Attorney: Karen Cremer
Date Filed: 04/21/99
Intervention Deadline: 05/07/99

TC99-046 In the Matter of the Filing by Western Telephone Company for Approval of Dialing Parity Implementation Plan and Petition for Suspension and Modification of Dialing Parity.

Western Telephone Company filed its intraLATA toll dialing parity implementation plan and, pursuant to ARSD 20:10:32:39 and 47 U.S.C. 251(f)(2), a petition for suspension and modification of the requirement for implementing intraLATA dialing parity until September 15, 1999. Western Telephone Company has fewer than 2% of the Nation's subscriber lines installed in the aggregate. "Western Telephone Company seeks the suspension and modification because at this time negotiations are ongoing and no decision has yet been reached regarding whether or not intraLATA equal access will be provided by South Dakota Network as centralized equal access, or, if Western Telephone Company will make the requisite changes to provide intraLATA dialing parity from its end offices. It is technically infeasible and, hence, inconsistent with the public interest, to reach this decision and implement either alternative by July 22, 1999, the deadline according to [the FCC order in CC Docket No. 96-98, Order adopted March 19 and released March 23, 1999,] FCC 99-54." Western Telephone Company submitted a centralized intraLATA equal access plan.

Staff Analyst: Harlan Best
Staff Attorney: Karen Cremer
Date Filed: 04/21/99
Comments Due: 05/07/99
Reply Comments Due: 05/17/99

**TC99-047 In the Matter of the Filing by Beresford Municipal Telephone Company for Approval of
Dialing Parity Implementation Plan and Petition for Suspension and Modification of
Dialing Parity.**

Beresford Municipal Telephone Company filed its intraLATA toll dialing parity implementation plan and, pursuant to ARSD 20:10:32:39 and 47 U.S.C. 251(f)(2), a petition for suspension and modification of the requirement for implementing intraLATA dialing parity until September 15, 1999. Beresford Municipal Telephone Company has fewer than 2% of the Nation's subscriber lines installed in the aggregate. "Beresford Municipal Telephone Company seeks the suspension and modification because at this time negotiations are ongoing and no decision has yet been reached regarding whether or not intraLATA equal access will be provided by South Dakota Network as centralized equal access, or, if Beresford Municipal Telephone Company will make the requisite changes to provide intraLATA dialing parity from its end offices. It is technically infeasible and, hence, inconsistent with the public interest, to reach this decision and implement either alternative by July 22, 1999, the deadline according to [the FCC order in CC Docket No. 96-98, Order adopted March 19 and released March 23, 1999,] FCC 99-54." Beresford Municipal Telephone Company submitted a centralized intraLATA equal access plan.

Staff Analyst: Harlan Best
Staff Attorney: Karen Cremer
Date Filed: 04/21/99
Comments Due: 05/07/99
Reply Comments Due: 05/17/99

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South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070



May 7, 1999

Mr. Bill Bullard
SD Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

RE: Comments on Dockets TC99-030, TC99-041, ~~TC99-042~~, TC99-043, TC99-046, and TC99-047

Dear Mr. Bullard:

Enclosed are an original and 10 copies of Staff's Comments on IntraLATA Toll Dialing Parity Plans regarding the above-referenced dockets. Please file these in the appropriate dockets.

Sincerely,

Karen E. Cremer

Karen E. Cremer
Staff Attorney

Capitol Office
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Warehouse Division
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Gregory A. Ristov
Keith Senger

Rolayne Aults West
♦

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

IN THE MATTER OF THE FCC ORDER)	STAFF COMMENTS ON
ESTABLISHING NEW DEADLINES FOR)	INTRALATA TOLL DIALING
IMPLEMENTATION OF INTRALATA DIALING)	PARITY PLANS
PARITY BY LOCAL EXCHANGE CARRIERS)	TC99-030; TC99-041; TC99-
)	042; TC99-043; TC99-046;
)	TC99-047

On March 23, 1999, the Federal Communications Commission (FCC) issued an order establishing new deadlines for implementation of intraLATA dialing parity by local exchange carriers (LECs). In the Matters of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996: Petition of Southwestern Bell Telephone Company, Pacific Bell, and Nevada Bell for Expedited Declaratory Ruling on Interstate IntraLATA Toll Dialing Parity or, in the Alternative, Various Other Relief, CC Docket No. 96-98, FCC 99-54 (released March 23, 1999). The order states that "[n]o later than April 22, 1999, all LECs must file intraLATA toll dialing parity plans with the state regulatory commission for each state in which the LEC provides telephone exchange service if a plan has not yet been filed with such state commission. Once a state commission has approved a plan, the LEC must implement its plan no later than 30 days after the date on which the plan is approved." Id. at ¶ 7. If the state commission has not acted on the plan by June 22, 1999, the LEC must file the plan with the Common Carrier Bureau of the FCC. Id.

At its March 30, 1999, meeting, the Public Utilities Commission (Commission) opened a docket in order to review intraLATA toll dialing plans and established a procedural schedule that would allow other parties to file written comment on the LECs' intraLATA toll dialing plans. No parties objected to this proposal. At its April 1, 1999, meeting, the Commission issued guidelines for LECs to follow when developing their intraLATA toll dialing plans. On the issue of cost recovery, the Commission decided that if a LEC believes that it needs cost recovery, the LEC should file for cost recovery in a separate proceeding before the Commission in accordance with FCC rules.

On April 23, 1999, the Commission faxed notice that the following companies had filed intraLATA toll dialing parity plans: Heartland Telecommunications Company of Iowa on April 20, 1999; Accent Communications, Inc. on April 20, 1999; Splitrock Properties, Inc. on April 21, 1999; Jefferson Telephone Company on April 21, 1999; Venture Communications, Inc. on April 21, 1999; Hanson County Telephone Company on April 21, 1999; Hanson Communications, Inc. d/b/a McCook Telecom on April 21, 1999; Vivian Telephone Company d/b/a Golden West Communications, Inc. on April 21, 1999; Stockholm Strandburg Telephone Co. on April 22, 1999; AT&T Communications of the Midwest, Inc. on April 22, 1999; Midco Communications on April 22, 1999; Heartland Communications, Inc. on April 22, 1999; Mobridge Telecommunications on April 22, 1999; West River Telecommunications Cooperative on April 22, 1999; Dakota Telecommunications Group, Inc., DTG Community Telephone, Inc. and Dakota Telecom, Inc. on April 22, 1999; Stateline Telecommunications, Inc. on April 22, 1999; and U S WEST Communications, Inc. on April 22, 1999.

The following local exchange carriers notified the Commission that they have completed conversion to intraLATA dialing parity: Fort Randall Telephone Company on April 21, 1999; Mt. Rushmore Telephone Company on April 21, 1999; CommChoice, LLC on April 22, 1999; and Kadoka on April 26, 1999.

Dickey Rural Telephone Cooperative, Dickey Rural Communications, Inc. Consolidated Telephone Cooperative and Consolidated Telcom, Inc. formerly known as CTC Communications, Inc. petitioned the Commission for a suspension and modification of the requirement for implementation of intraLATA dialing parity in its service areas until June 30, 2000.

Kennebec Telephone Company filed its intraLATA toll dialing parity implementation plan and, pursuant to ARSD 20:10:32:39 and 47 U.S.C. 251(f)(2), a petitioned for suspension and modification of the requirement for implementing intraLATA dialing parity until September 19, 1999.

Western Telephone Company filed its intraLATA toll dialing parity implementation plan and, pursuant to ARSD 20:10:32:39 and 47 U.S.C. 251(f)(2), a petition for suspension and modification of the requirement for implementing intraLATA dialing parity until September 15, 1999.

Beresford Municipal Telephone Company filed its intraLATA toll dialing parity implementation plan and, pursuant to ARSD 20:10:32:39 and 47 U.S.C. 251(f)(2), a petition for suspension and modification of the requirement for implementing intraLATA dialing parity until September 15, 1999.

COMMISSION STAFF'S RECOMMENDATION

Commission Staff has reviewed the toll dialing parity plans filed by the aforementioned companies utilizing the guidelines as established by the Commission in its April 1, 1999, order. Staff then categorized the companies and will make its recommendations using these categories.

SDN COMPANIES

Heartland Communications Inc., Accent Communications, Inc., Splitrock Properties, Inc., Venture Communications, Inc., Hanson County Telephone Company, Hanson Communications, Inc. d/b/a McCook Telecom, Stockholm Strandburg Telephone Co., Mobridge Telecommunications, Stateline Telecommunications, Inc., Vivian Telephone Company d/b/a Golden West Communications, Inc. all requested Commission approval to send out its carrier notification letters in advance of final Commission action on the proposed plan with the carrier notifications completed by June 1, 1999. **Staff would recommend that the Commission grant the companies approval to send out its carrier notification letter (Appendix A and B) in advance of final Commission action on the proposed plan. Staff would further recommend that the language in the customer notification letter (Appendix C) be amended to state that the customer, if they choose to change their intraLATA long distance carrier, directly contact the**

long distance company that they have chosen in order to initiate that change with the LEC. This will not only allow the customer to pick a plan that best suits their needs but it will ensure that a LOA is processed or that third-party verification will occur.

Staff would also recommend that Accent Communications, Inc.'s letter to its customers (Appendix C) include a statement that after the 60 day grace period has expired, that there will be a charge to change carriers and the letter should state the amount of the charge.

Heartland Communications, Inc. did not file a customer letter (Appendix C) that was company specific. Staff would recommend that the company file such a letter before final approval of the plan.

Jefferson Telephone Company has filed an amendment to its plan asking that its carrier notification letter be approved no later than May 14, 1999. Staff would recommend approval of this amendment.

Staff would note that none of the aforementioned companies addressed the issue of pay phones in their plans and Staff would recommend that they amend their filing to address this issue.

END OFFICE

Dakota Telecommunications Group, Inc., DTG Community Telephone, Inc. and Dakota Telecom, Inc. and West River Telecommunications Cooperative requested Commission approval to send out its carrier notification letters in advance of final Commission action on the proposed plan. Staff would recommend that the Commission grant the companies approval to send out its carrier notification letter (Appendix A for both companies and also Appendix B for West River) in advance of final Commission action on the proposed plan. Staff would further recommend that the language in the customer notification letter be amended to state that the customer, if they choose to change their intraLATA long distance carrier, directly contact the long distance company that they have chosen in order to initiate that change with the LEC. This will not only allow the customer to pick a plan that best suits their needs but it will ensure that a LOA is processed or that third-party verification will occur.

Staff would note that neither of the aforementioned companies addressed the issue of pay phones in their plans and Staff would recommend that they amend their filing to address this issue.

U S WEST

U S WEST Communications, Inc. requested Commission approval to send out its carrier notification letters in advance of final Commission action on the proposed plan. Staff would recommend that the Commission grant the company approval to send out its carrier notification letter in advance of final Commission action on the proposed plan.

U S WEST has stated in its filing that it will file a waiver with the FCC requesting an extension of time to implement toll dialing parity in the McIntosh, Timber Lake and Morristown exchanges. According to the Commission's order setting forth the guidelines to be followed, U S WEST is to describe how it will offer dialing parity for each exchange and its proposed time schedule. U S WEST has not listed its exchanges nor has it asked this Commission for a waiver to extend the time to implement toll dialing parity in the McIntosh, Timber Lake, and Morristown exchanges. Staff recommends that U S WEST list the exchanges individually with the NXX provided so that carriers know which exchanges are included and that U S WEST's toll dialing parity plan be applied to all its exchanges within the state.

In U S WEST's customer notification letter (Exhibit A), U S WEST requires the customer to contact U S WEST to remove the "pic freeze" prior to selecting an intraLATA carrier if it is a carrier other than U S WEST. Since this is the first time a customer can select an intraLATA carrier there should be no "freeze" associated with intraLATA long distance. Staff would recommend that U S WEST be required to remove this paragraph from the customer letter.

When taking orders from new or existing customers U S WEST proposes to respond to a customer's request for further information as to U S WEST's toll products and services at that time. Staff would recommend that should a customer request further information as to U S WEST's toll products and services that the customer be transferred to U S WEST's marketing/sales representatives.

U S WEST's plan allows customers to change their intraLATA carrier one time free of charge during the first 30 days following implementation. Staff would recommend that the grace period be a minimum of 60 days. This would allow the customer to receive at least one bill from the intraLATA carrier.

U S WEST is requesting that MTS be classified as fully competitive effective July 22, 1999. Staff would recommend denial of this request. Such a request should be considered in a separate docket.

AT&T

Staff would recommend that AT&T make a full disclosure to new and existing customers that if they do not indicate a preference for an alternate carrier, that the customer's traffic will by default go to AT&T. Staff would also recommend that AT&T remove from the customer letter (Exhibit 1) the requirement that the customer who wishes to change carriers, that they contact AT&T's business office first.

Staff would recommend that the language in the customer notification letter (Exhibit 1) be amended to state that the customer, if they choose to change their intraLATA long distance carrier, directly contact the long distance company that they have chosen in order to initiate that change with the LEC. The letter should include a list of long distance providers to choose from and their toll free numbers

so that the customer can contact the long distance companies. This will not only allow the customer to pick a plan that best suits their needs but it will ensure that a LOA is processed or that third-party verification will occur.

Staff would note that AT&T did not address the issue of pay phones in its plan and Staff would recommend that it amend its filing to address this issue.

MIDCO

Staff would recommend that the customer notification letter (Exhibit A) be rewritten to be "more customer friendly" and less technical. The letter should have the customer directly contact the long distance company and should include a list of long distance providers to choose from and their toll free numbers so that the customer can contact the long distance companies and decide which rate plan best suits their needs. This will ensure that a LOA is processed or that third-party verification will occur. Also Midco should be definitive as to whether or not there will be a PIC charge.

Staff would note that Midco did not address the issue of pay phones in its plan and Staff would recommend that it amend its filing to address this issue.

FOREIGN

Heartland Telecommunications Company of Iowa filed its plan without including its exchanges and NXX numbers, carrier notification letter, and customer notification letter. Staff would recommend that these documents be filed before final approval of the plan.

Staff would note that Heartland did not address the issue of pay phones in its plan and Staff would recommend that it amend its filing to address this issue.

SUSPENSION AND MODIFICATION

Dickey Rural Telephone Cooperative, Dickey Rural Communications, Inc., Consolidated Telephone Cooperative and Consolidated Telcom, Inc. formerly known as CTC Communications, Inc., Kennebec Telephone Company, Western Telephone Company, and Beresford Municipal Telephone Company all filed their toll dialing parity plans requesting suspension and modification of its plan.

Dickey Rural Telephone Cooperative, Dickey Rural Communications, Inc., Consolidated Telephone Cooperative and Consolidated Telcom, Inc. formerly known as CTC Communications, Inc. state that suspension and modification are necessary to avoid imposing requirements that are unduly economically burdensome and infeasible, and that suspension and modification are consistent with the public interest, convenience and necessity. Staff would recommend denial of suspension and modification as Dickey Rural Telephone Cooperative, Dickey Rural Communications, Inc., Consolidated Telephone Cooperative and Consolidated Telcom, Inc. formerly known as CTC

Communications, Inc. did not prove in its filing that providing intraLATA toll dialing parity requires suspension and modification and require the companies to file intraLATA toll dialing parity plans consistent with the Commission's prior orders.

Kennebec Telephone Company began implementing intraLATA dialing parity in conjunction with its implementation of interLATA dialing parity the day before the FCC issued its order ordering LEC's to implement intraLATA toll dialing parity. Kennebec states in its petition that to alter the plan already in process would be unduly economically burdensome, technically infeasible, and inconsistent with public interest. Staff would recommend that granting approval of Kennebec's petition for suspension and modification until September 19, 1999.

Western Telephone Company and Beresford Municipal Telephone Company filed their intraLATA toll dialing parity plans requesting suspension and modification due to ongoing negotiations and no decisions being reached regarding whether or not intraLATA dialing parity will be provided by SDN as centralized equal access or if it will be provided from its end offices. Staff would recommend granting approval of Western's petition for suspension and modification until September 15, 1999. Staff would further recommend that the language in the customer notification letter (Appendix C) be amended to state that the customer, if they choose to change their intraLATA long distance carrier, directly contact the long distance company that they have chosen in order to initiate that change with the LEC. This will not only allow the customer to pick a plan that best suits their needs but it will ensure that a LOA is processed or that third-party verification will occur.

Staff would note that none of the aforementioned companies, with the exception of Kennebec, addressed the issue of pay phones in their plans and Staff would recommend that they amend their filing to address this issue.

MISCELLANEOUS

Valley Cable & Satellite Communications, Inc. sent a copy of a customer letter to the Commission on March 26, 1999. Sancom, Inc. sent the Commission a copy of its carrier letter on April 1, 1999. Staff would recommend that the companies file a letter with the Commission confirming that they offer intraLATA toll dialing parity and the date of such offering.

NON-RESPONDENTS

Staff would note that the following LECs did not file any plans with the Commission:

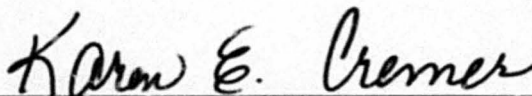
- 1. Farmers Mutual Telephone Cooperative, Ellendale, ND**
- 2. GTE of Minnesota, Minneapolis, MN**
- 3. Great Plains Communications, Blair, NE**
- 4. RT Communications, Inc., Worland WY**
- 5. Red River Telecom, Inc., Abercrombie, ND**
- 6. Three River Teleco, Lynch, NE**

7. U S WEST Communications of Iowa
8. U S WEST Communications of Nebraska
9. U S WEST Communications of Minnesota
10. Valley Telephone Company, Browns Valley, MN
11. NebCom, Inc. Jackson, NE
12. Baltic Telecom Cooperative, Baltic, SD
13. Brookings Municipal Utilities, Brookings, SD
14. Interstate Telephone Cooperative, Clear Lake, SD
15. James Valley Cooperative Telephone, Groton, SD
16. McCook Cooperative Telephone Company, Salem, SD
17. Midstate Telephone Company, Kimball, SD
18. Sanborn Telephone Cooperative, Woonsocket, SD
19. Sioux Valley Telephone Company, Dell Rapids, SD
20. Splitrock Telecom Cooperative, Inc., Garretson, SD
21. Sully Buttes Telephone Cooperative, Highmore, SD
22. Tri-County Mutual Telephone Company, Emery, SD
23. Valley Telecommunications Cooperative, Herreid, SD
24. Golden West Telecommunications Cooperative, Inc., Wall, SD
25. West River Cooperative Telephone Company, Bison, SD
26. Cheyenne River Sioux Tribe Telephone Authority, Eagle Butte, SD
27. Atlas Communications, Ltd., Denver, CO
28. Black Hills FiberCom, LLC, Rapid City, SD
29. Crystal Communications, Inc., Mankato, MN
30. Dakota Telecommunications, Inc., Irene, SD
31. Easton Telecom Services, Inc., Richfield, OH
32. Eclipse Communications Corporation, Issaquah, WA
33. Excel Telecommunications, Inc., Dallas, TX
34. F.D.S.D. Rapid City, Inc., Rapid City, SD
35. FiberComm, L.C., LeMars, IA
36. FirstTel, Inc., Sioux Falls, SD
37. GLD, Group Long Distance, Inc., Fort Lauderdale, FL
38. LCI International Telecom Corporation, McLean, VA
39. LDM Systems, Inc., New City, NY
40. MCImetro Access Transmission Services, Inc., Vienna, VA
41. McLeodUSA Telecommunications Services, Inc., Cedar Rapids, IA
42. Northern Valley Communications, L.L.C., Bath, SD
43. PAM Oil Inc. d/b/a PAM Communications, Sioux Falls, SD
44. Quinteico, Inc., Pearl River, NY
45. Sioux Falls Cable Television, Sioux Falls, SD
46. Sprint Communications Company L.P., Kansas City, MO
47. Sterling International Funding, Inc. d/b/a Reconex, Hubbard, OK
48. Telco Holdings, Inc. d/b/a Dial & Save, Chantilly, VA
49. Tel-Save, Inc. d/b/a The Phone Company, Inc., New Hope, PA
50. WorldCom Technologies, Jackson, MS
51. Bridgewater-Canistota Independent Telephone Company, Hartford, SD
52. RC Communications, Inc., New Effington, SD
53. East Plains Telecom, Inc., Baltic, SD

- 54. Roberts County Telephone Cooperative Association, New Effington, SD
- 55. Union Telephone Company, Hartford, SD
- 56. Armour Independent Telephone Company, Armour, SD
- 57. Faith Municipal Telephone, Faith, SD

Staff would recommend that these companies file a letter with the Commission stating the date that it began offering intraLATA toll dialing parity in South Dakota.

Dated this 7th day of May, 1999.



Karen E. Cremer
Staff Attorney
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501
Telephone (605) 773-3201

TC99-042



Consolidated

Reach the World, from here.

June 2, 1999

Public Utilities Commission
State of South Dakota
State Capitol Building
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

RECEIVED

JUN 04 1999

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Re: Dialing Parity Implementation

Dear Commissioners:

The North Dakota Public Service Commission has scheduled a Hearing for June 15, 1999 at 9:00 A.M. on "Dialing Parity". Consolidated Telcom, Inc. formally requests that the SD Public Utilities Commission mirror the decision that is handed down by the ND PSC at this meeting.

The majority of our customers and all of our dial equipment are located in North Dakota. It would be a real benefit to our company and our customers if the conversion to IntraLata Dialing Parity could be done at the same time.

The following exchange serves both North Dakota and South Dakota customers:

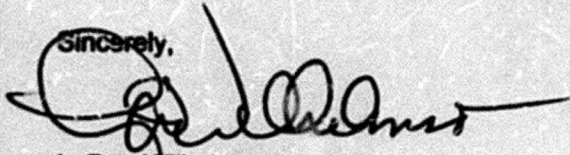
<u>Exchange</u>	<u>Customers</u>	
	<u>North Dakota</u>	<u>South Dakota</u>
Hettinger	1,235	101

Consolidated Telcom, Inc. submits to the SD Public Utilities Commission a copy of our Dialing Implementation Plan and Petition for Suspension and Modification Affidavit that will be filed with the ND Public Service Commission for the June 15, 1999 Hearing.

If you have any questions or need more information, please contact us.

Thank you for your consideration of this request.

Sincerely,



L. Dan Wilkenson
General Manager/CEO
Consolidated Telcom, Inc.

dw

Encl.

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

**Consolidated Telcom, Inc.
DIALING PARITY IMPLEMENTATION**

Case No. PU-2013-99-208

AFFIDAVIT

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF STARK)

L. Dan Wilhelmson affirms the following statement of facts, in support of Consolidated Telcom, Inc.'s Dialing Parity Implementation Plan and Petition for Suspension and Modification filed in conjunction with other local exchange carriers as the Rural Telephone Company Group (RTCG), under Section 251 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996 (the Act).

(Consolidated Telcom, Inc. is sometimes referred to in this affidavit as "this Rural Telephone Company" or as "this Company.")

1. This Rural Telephone Company has fewer than 2 percent of the Nation's subscriber lines installed in the aggregate nationwide and qualifies for a suspension or modification of the requirements of Section 251(b)(3) of the Act.
2. Consolidated Telcom, Inc. provides telephone exchange service including exchange access in the following exchange areas in North Dakota:

Total Access Lines

4,608

Exchange Prefix/Name

**523 Bowman
567 Hettinger
764 Killdeer
824 Mott
579 New England**

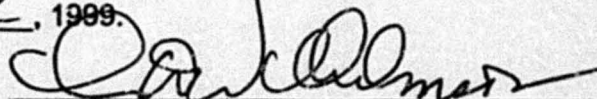
(The number of access lines as listed is taken from the most reliable and recent compilation, the North Dakota Telephone Association 1998-99 Directory of North Dakota Telephone Companies.)

3. This Rural Telephone Company presently provides dialing parity to telecommunications carriers that are providers of interLATA telephone toll service.

4. This Company does not presently provide dialing parity to telecommunications carriers that are providers of intraLATA telephone toll service. No provider of intraLATA telephone toll service has requested dialing parity from this Company for intraLATA calling during the period from February 8, 1996 (the date of enactment of the Act) to the present.
5. This Company presently has installed central office equipment ("hardware" and "software") that is capable of providing intraLATA dialing parity in addition to interLATA dialing parity including "full 2-PIC" features so that subscribers would have the ability by 1+ dialing to route automatically their intraLATA and interLATA toll calls to different carriers.
6. This Company is capable of administering the implementation of intraLATA toll dialing parity. However, this Company's resources, including human resources, are limited so that it is unduly economically burdensome and technically infeasible for this Company to implement intraLATA toll dialing parity (including establishing and accomplishing procedures for notification of subscribers and methods to enable subscribers to affirmatively select an intraLATA toll provider, and for interexchange carrier notification) within the July 22, 1999, deadline established by the Federal Communications Commission.
7. This Company's access rates were established by contract approved by the Commission, effective through June, 2001. (See Order in Case No. PU-314-94-688.) It is infeasible to commence and complete before July 22, 1999, the financial analysis and related procedures (including filing with the Commission and establishing procedures for billing and collecting compensation for access services), to establish a system of compensation that is compatible with a dialing parity/equal access environment.
8. As stated above, this Company does not presently provide dialing parity to telecommunications carriers that are providers of intraLATA telephone toll service and no provider of intraLATA telephone toll service has requested dialing parity from this Company for intraLATA dialing parity. In addition, this Company has received from US West, the incumbent 1+ default carrier of last resort providing intraLATA toll service to subscribers in this Company's local exchange areas, a letter stating US West "... has decided to withdraw from the toll market in ILIC [independent local exchange carrier] serving areas effective with the implementation of intraLATA equal access or by July 22, 1999, whichever is earlier."
9. In these factual circumstances, it is consistent with the public convenience and necessity that the requirement for implementation of intraLATA dialing parity in this Company's local exchange areas be suspended and modified.

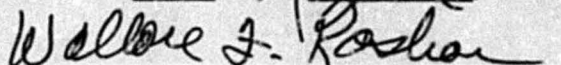
The affiant is the general manager of Consolidated Telcom, Inc. and affirms the truth of the foregoing statement of facts based on his first-hand knowledge.

Dated this 2nd day of June, 1999.



L. Dan Wilhelmson

SUBSCRIBED AND SWORN to before me this 2nd day of June, 1999.



Notary Public

For the State of North Dakota

My commission expires:

WALLACE F. ROSHAU
Notary Public, STARK COUNTY, ND
My Commission Expires Feb. 17, 2001



Consolidated

Reach the World, from here.

June 2, 1999

Public Utilities Commission
State of South Dakota
State Capitol Building
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

RECEIVED

JUN 04 1999

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Re: Dialing Parity Implementation

Dear Commissioners:

The North Dakota Public Service Commission has scheduled a Hearing for June 15, 1999 at 9:00 A.M. on "Dialing Parity". Consolidated Telephone Cooperative formally requests that the SD Public Utilities Commission mirror the decision that is handed down by the ND PSC at this meeting.

The majority of our customers and all of our dial equipment are located in North Dakota. It would be a real benefit to our company and our customers if the conversion to IntraLata Dialing Parity could be done at the same time.

The following exchanges serve both North Dakota and South Dakota customers:

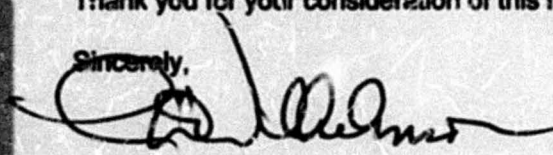
<u>Exchange</u>	<u>Customers</u>	
	<u>North Dakota</u>	<u>South Dakota</u>
Ladd	53	45
Reeder	262	73
Scranton	421	34

Consolidated Telephone Cooperative submits to the SD Public Utilities Commission a copy of our Dialing Implementation Plan and Petition for Suspension and Modification Affidavit that will be filed with the ND Public Service Commission for the June 15, 1999 Hearing.

If you have any questions or need more information, please contact us.

Thank you for your consideration of this request.

Sincerely,



L. Dan Wilhelmson
General Manager/CEO
Consolidated Telephone Cooperative

dw

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

**Consolidated Telephone Cooperative
DIALING PARITY IMPLEMENTATION**

Case No. PU-419-99-207

AFFIDAVIT

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF STARK)

L. Dan Wilhelmson affirms the following statement of facts, in support of Consolidated Telephone Cooperative's Dialing Parity Implementation Plan and Petition for Suspension and Modification filed in conjunction with other local exchange carriers as the Rural Telephone Company Group (RTCG), under Section 251 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996 (the Act).

(Consolidated Telephone Cooperative is sometimes referred to in this affidavit as "this Rural Telephone Company" or as "this Company.")

1. This Rural Telephone Company has fewer than 2 percent of the Nation's subscriber lines installed in the aggregate nationwide and qualifies for a suspension or modification of the requirements of Section 251(b)(3) of the Act.
2. Consolidated Telephone Cooperative provides telephone exchange service including exchange access in the following exchange areas in North Dakota:

Total Access Lines
3,707

Exchange Prefix/Name
879 Amidon
846 Dodge
548 Dunn Center
863 Grassy Butte
938 Halliday
574 N. Ladd
573 Manning
853 N. Reeder
563 Regent
279 Rhome
974 Richardton
275 N. Scranton
677 South Heart


(The number of access lines as listed is taken from the most reliable and recent compilation, the North Dakota Telephone Association 1998-99 Directory of North Dakota Telephone Companies.)

3. This Rural Telephone Company presently provides dialing parity to telecommunications carriers that are providers of interLATA telephone toll service.
4. This Company does not presently provide dialing parity to telecommunications carriers that are providers of intraLATA telephone toll service. No provider of intraLATA telephone toll service has requested dialing parity from this Company for intraLATA calling during the period from February 8, 1996 (the date of enactment of the Act) to the present.
5. This Company presently has installed central office equipment ("hardware" and "software") that is capable of providing intraLATA dialing parity in addition to interLATA dialing parity including "full 2-PIC" features so that subscribers would have the ability by 1+ dialing to route automatically their intraLATA and interLATA toll calls to different carriers.
6. This Company is capable of administering the implementation of intraLATA toll dialing parity. However, this Company's resources, including human resources, are limited so that it is unduly economically burdensome and technically infeasible for this Company to implement intraLATA toll dialing parity (including establishing and accomplishing procedures for notification of subscribers and methods to enable subscribers to affirmatively select an intraLATA toll provider, and for interexchange carrier notification) within the July 22, 1999, deadline established by the Federal Communications Commission.
7. As stated by the Commission in its December 15, 1992, Order in Case No. PU-2320-90-183, the current system of compensation for origination and termination of intraLATA toll calls (established by the Commission in its earlier Cases No. 10,444 and 10,694) is incompatible with a dialing parity/equal access environment. The implementation of intraLATA dialing parity requires that fully compensatory local exchange access rates be established to be effective when intraLATA toll dialing parity is implemented. It is infeasible to commence and complete before July 22, 1999, the financial analysis and related procedures (including filing with the Commission and establishing procedures for billing and collecting compensation for access services), to establish a system of compensation that is compatible with a dialing parity/equal access environment.

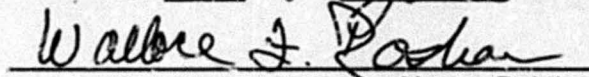
8. As stated above, this Company does not presently provide dialing parity to telecommunications carriers that are providers of intraLATA telephone toll service and no provider of intraLATA telephone toll service has requested dialing parity from this Company for intraLATA dialing parity. In addition, this Company has received from US West, the incumbent 1+ default carrier of last resort providing intraLATA toll service to subscribers in this Company's local exchange areas, a letter stating US West: "... has decided to withdraw from the toll market in ILEC [independent local exchange carrier] serving areas effective with the implementation of intraLATA equal access or by July 22, 1999, whichever is earlier."
9. In these factual circumstances, it is consistent with the public convenience and necessity that the requirement for implementation of intraLATA dialing parity in this Company's local exchange areas be suspended and modified.

The affiant is the general manager of Consolidated Telephone Cooperative and affirms the truth of the foregoing statement of facts based on his first-hand knowledge.

Dated this 2nd day of JUNE, 1999.


L. Dan Withelmson

SUBSCRIBED AND SWORN to before me this 2nd day of June, 1999.


Notary Public

For the State of North Dakota
My commission expires:

WALLACE F. ROSKAU
Notary Public, STARK COUNTY, ND
My Commission Expires Feb. 17, 2001

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

IN THE MATTER OF THE FILING BY)	ORDER GRANTING
CONSOLIDATED TELEPHONE COOPERATIVE)	PETITION FOR
AND ITS WHOLLY OWNED SUBSIDIARY,)	SUSPENSION AND
CONSOLIDATED TELCOM, INC., FORMERLY)	MODIFICATION IN PART
KNOWN AS CTC COMMUNICATIONS, INC.)	
FOR APPROVAL OF PETITION FOR)	TC99-042
SUSPENSION AND MODIFICATION OF)	
DIALING PARITY)	

On April 20, 1999, Consolidated Telephone Cooperative and its Wholly Owned Subsidiary, Consolidated Telcom, Inc. formerly known as CTC Communications, Inc. filed for approval of their petition for suspension and modification of dialing parity. Consolidated Telephone Cooperative and Consolidated Telcom, Inc. each have fewer than 2% of the nation's subscriber lines installed in the aggregate. Pursuant to 47 U.S.C. § 251(f)(2), Consolidated Telephone Cooperative and Consolidated Telcom, Inc. petitioned the Commission for a suspension and modification of the requirement for implementation of intraLATA dialing parity in its service areas until June 30, 2000. Consolidated Telephone Cooperative and Consolidated Telcom, Inc. stated that "[t]he grounds for the petition are that suspension and modification are: a) necessary to avoid imposing requirements that are unduly economically burdensome and infeasible, and b) consistent with the public interest, convenience and necessity. The compressed schedule mandated by the FCC's 1999 Order [CC Docket No. 96-98, Order adopted March 19 and released March 23, 1999, FCC 99-54] is burdensome and infeasible for small LECs to develop and administer plans for timely notification of their subscribers and interexchange carriers regarding subscribers' selection of intraLATA toll providers, and for small LECs to develop fully compensatory local exchange access rates to replace the current arrangement."

The Commission requested comments on Consolidated Telephone Cooperative and Consolidated Telcom, Inc.'s petition for suspension and modification. Commission Staff recommended denying the petition.

On June 4, 1999, Consolidated Telephone Cooperative and Consolidated Telcom, Inc. filed their petition for suspension and modification affidavit that they intended to file with the North Dakota Public Service Commission (NDPSC) for a June 15, 1999, hearing before the NDPSC. The companies requested that the Commission consider mirroring the outcome of the NDPSC hearing.

At its June 22, 1999, meeting, the Commission considered whether to grant the petition. The Commission has jurisdiction over this matter pursuant to SDCL 49-31-80 and 49-31-81, ARSD 20:10:32:39, and the federal Telecommunications Act of 1996, specifically §§ 251 and 252. Consolidated Telephone Cooperative and Consolidated Telcom, Inc. did not appear at the meeting. Commission Staff informed the Commission that the NDPSC had to delay its hearing until July so the NDPSC had not ruled on the

issue yet. The Commission voted unanimously to grant Consolidated Telephone Cooperative and Consolidated Telcom, Inc. a suspension and modification until September 15, 1999. The Commission finds, pursuant to SDCL 49-31-81 and section 251(f)(2), the suspension and modification is necessary to avoid imposing a requirement that is technically infeasible since Consolidated Telephone Cooperative and Consolidated Telcom, Inc. have not yet begun to implement dialing parity pending the ruling on their petition for suspension and modification. The Commission further finds that the suspension and modification is consistent with the public interest, convenience, and necessity. In making this determination, the Commission notes that the suspension and modification that it granted is for a shorter time period than requested by the companies. The Commission finds that the companies' request for a suspension and modification until June 30, 2000, was not adequately justified by the companies.

It is therefore

ORDERED, that Consolidated Telephone Cooperative and Consolidated Telcom, Inc. are granted a suspension and modification of the requirement for implementing intraLATA dialing parity until September 15, 1999; and it is

FURTHER ORDERED, that Consolidated Telephone Cooperative and Consolidated Telcom, Inc. shall file a dialing parity implementation plan consistent with the Commission orders issued in Docket TC99-030 and any applicable FCC orders.

Dated at Pierre, South Dakota, this 22nd day of June, 1999.

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>Nellie Keels</u>
Date:	<u>6/23/99</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

TC99-042



Consolidated

Reach the World, from here.

August 5, 1999

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

RECEIVED

AUG 09 1999

RE: Dialing Parity Implementation

Dear Commissioners:

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Consolidated Telephone Cooperative and its subsidiary, Consolidated Telcom, Inc., 507 S. Main, Dickinson, North Dakota, 58601 requests the South Dakota Public Utilities Commission consider mirroring ND PSC Case No.'s PU-419-99-207 and PU-2013-99-208 issued on July 16, 1999 extending, until January 1, 2000, the suspension and modification of the requirements of dialing parity.

The majority of our customers and all of our dial equipment are located in North Dakota. The process of converting to IntraLata dialing parity would be to our customers and the companies benefit if the conversion would be at the same time.


The Consolidated Telephone Cooperative exchanges of South Reeder (72 access lines), South Ladd (48 access lines), South Scranton (34 access lines) and the Consolidated Telcom, Inc. exchange of South Hettinger (97 access lines) would convert to 2-Pic equal access concurrent with our North Dakota customers, August 31, 1999.

Consolidated Telephone Cooperative and Consolidated Telcom, Inc. submits to the South Dakota Public Utilities Commission a copy of the North Dakota ruling issued July 16, 1999.

If you have any questions or need more information, please contact us.

Thank you for your consideration of this request.

Sincerely,



L. Dan Wilhelmson
General Manager
Consolidated Telephone Cooperative

507 South Main
Dickinson, ND 58601
701-483-4000
Fax 701-483-0001
1-888-225-5282
www.ctctel.com



Consolidated

Reach the World, from here.

July 26, 1999

RECEIVED

AUG 09 1999

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

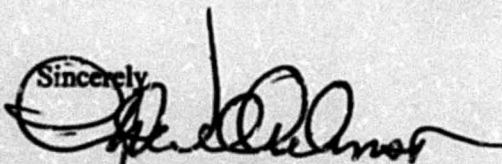
Mr. Jon Mielke, Executive Secretary
North Dakota Public Service Commission
State Capitol, 12th Floor
600 East Boulevard
Bismarck, ND 58505-0480

RE: Case No. PU-419-99-207

Dear Mr. Mielke:

Per commission requirements we are filing our dialing parity plan for North Dakota. An original and seven copies are enclosed.

Sincerely,



L. Dan Wilhelmson
General Manager
Consolidated Telephone Cooperative

*Consolidated
Telephone
Cooperative*

*Consolidated
Enterprises
Incorporated*

*Consolidated
Telcom
Incorporated*

*Consolidated
Communications
Corporation*

*Consolidated
Cable Vision*

*Consolidated
Communications
Networks
Incorporated*

August 20, 1999

Dear Customer,

Consolidated will be making changes effective August 31, 1999 that will allow you to choose a different 1+ provider of long distance service within the Bismarck LATA (Local Access and Transport Area). (See attached map). Calls that originate and terminate within the outlined portions of this map are referred to as intraLATA calls. Calls that cross these LATA boundaries are referred to as interLATA calls.

If you wish to choose a long distance carrier from the attached list for calls within the LATA, please fill out the enclosed response form and mail or bring it to our office by August 30, 1999. If you do nothing, Consolidated Long Distance will become your intraLATA long distance provider.

In the coming months, companies that plan to offer long distance service within your LATA may contact you through telemarketing, advertising, or direct mail. The information provided may help you make your choice since each company's rates, plans and policies differ.

There is a 60 day grace period during which time you may decide to change your intraLATA carrier at no charge. After October 29, 1999, you will incur a \$5.00 Primary Interexchange Carrier (PIC) change charge for changing carriers. If you wish to protect your account from future unauthorized changes to your intraLATA long distance carrier choice, commonly referred to as a "PIC freeze", you must contact us at 701-483-4000 or 1-888-225-5282.

Please call our office at the above telephone numbers if you have any questions on this matter.

Sincerely

L. Dan Wilhelmson
Manager

Encl.

This letter has been approved by the North Dakota Public Service Commission

List of Participating Long Distance Carriers

ABC Long Distance

(701) 123-4567 (Business)

(701) 891-0111 (Residential)

XYZ LD

1-800-123-4567 (Bus/Res)

Etc.....

**Consolidated
Intralata Long Distance Service
Customer Response Form**

Please Print

Billing Name _____

Billing Address _____

Please change my long distance company for intraLATA 1+ calling.

Telephone Number(s)

Carrier Name

Signature (Required)

Date (Required)

**NOTE: YOU DO NOT HAVE TO RETURN THIS FORM IF YOU WANT CONSOLIDATED LONG
DISTANCE TO BECOME YOUR INTRALATA LONG DISTANCE CARRIER.**

August 20, 1999

Dear Customer,

Consolidated will be making changes effective August 31, 1999 that will allow you to choose a different 1+ provider of long distance service within the Bismarck LATA (Local Access and Transport Area). (See attached map). Calls that originate and terminate within the outlined portions of this map are referred to as intraLATA calls. Calls that cross these LATA boundaries are referred to as interLATA calls.

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There is a 60 day grace period during which time you may decide to change your intraLATA carrier at no charge. After October 29, 1999, you will incur a \$5.00 Prima / Interexchange Carrier (PIC) change charge for changing carriers. If you wish to protect your account from future unauthorized changes to your intraLATA long distance carrier choice, commonly referred to as a "PIC freeze", you must contact us at 701-483-4000 or 1-888-225-5282.

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Sincerely

L. Dan Wilhelmson
Manager

Encl.

This letter has been approved by the North Dakota Public Service Commission

**Consolidated
Intralata Long Distance Service
Customer Response Form**

Please Print

Billing Name _____

Billing Address _____

Please change my long distance company for intraLATA 1+ calling.

Telephone Number(s)

Carrier Name

Signature (Required)

Date (Required)

**NOTE: YOU DO NOT HAVE TO RETURN THIS FORM IF YOU WANT CONSOLIDATED LONG
DISTANCE TO BECOME YOUR INTRALATA LONG DISTANCE CARRIER.**

Date: July 15, 1999

To: Interexchange Carriers providing Interlata Long Distance Services to Consolidated Customers

From: Consolidated Telephone Cooperative and Subsidiaries
P.O. Box 1408
Dickinson, ND 58602
Fax: 701-483-0001

RE: IntraLATA Dialing Parity Implementation

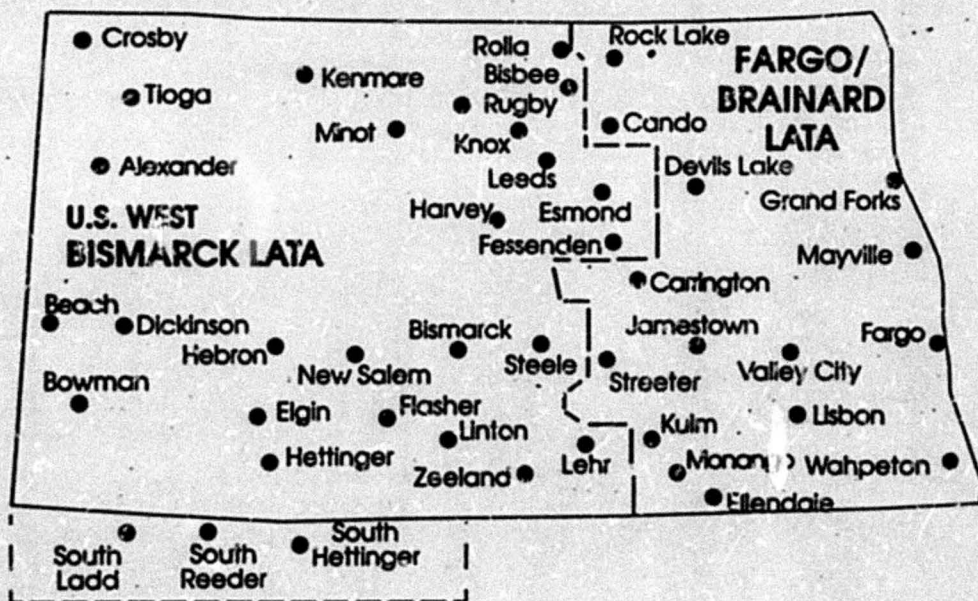
Consolidated Telephone Cooperative and its subsidiaries, Consolidated Telcom, Inc. and Consolidated Communications Networks, Inc., provide local exchange service to approximately 8,800 customers in the following exchanges in North and South Dakota:

<u>End Office</u>	<u>NPA/NXX</u>	<u>End Office</u>	<u>NPA/NXX</u>
Amidon	701-879	Reeder	701-853
Richardton	701-974		605-855
Manning	701-573	Ladd	701-574
South Heart	701-677		605-576
Halliday	701-938	Scranton	701-275
Dodge	701-846		605-278
Dunn Center	701-548	Hettinger	701-567
Grassy Butte	701-863		605-564
Regent	701-563	Bowman	701-523
Rhame	701-279	Killdeer	701-764
Mott	701-824	New England	701-579
Dickinson	701-483		

On August 31, 1999 Consolidated Telephone Cooperative and its Subsidiaries will implement intraLata dialing parity/equal access. If you are interested in providing intraLATA equal access in any or all of the above exchanges, please notify us in writing or fax at the above address by August 5, 1999 (see attached). Appropriate ASP's will need to be received within this timeframe also.

LATA'S (Local Access and Transport Areas)

All Consolidated Telephone Cooperative Exchanges are in the Bismarck LATA.



A LATA is a geographic area within which the local telephone company provides local and long distance services, plus access to the telephone network.

North Dakota has 2 LATA's:

- Bismarck LATA
- Fargo/Brainard LATA

Please fill out form and return to Consolidated via Fax or Mail.

_____ elects to be an intraLATA toll provider in the
(Carrier Name)

Consolidated service areas noted below.

Amidon	701-879	_____	YES	_____	NO
Richardton	701-974	_____	YES	_____	NO
Manning	701-573	_____	YES	_____	NO
South Heart	701-677	_____	YES	_____	NO
Halliday	701-938	_____	YES	_____	NO
Dodge	701-846	_____	YES	_____	NO
Dunn Center	701-548	_____	YES	_____	NO
Grassy Butte	701-863	_____	YES	_____	NO
Regent	701-563	_____	YES	_____	NO
Rhame	701-279	_____	YES	_____	NO
Mott	701-824	_____	YES	_____	NO
New England	701-579	_____	YES	_____	NO
Dickinson	701-483	_____	YES	_____	NO
Reeder	701-853	_____	YES	_____	NO
	605-855	_____	YES	_____	NO
Ladd	701-574	_____	YES	_____	NO
	605-576	_____	YES	_____	NO
Scranton	701-275	_____	YES	_____	NO
	605-278	_____	YES	_____	NO
Hettinger	701-567	_____	YES	_____	NO
	605-564	_____	YES	_____	NO
Bowman	701-523	_____	YES	_____	NO
Killdeer	701-764	_____	YES	_____	NO

Signature

Date

Consolidated will work closely with all carriers of record expressing an interest in being an intraLata carrier. If you have questions, you may contact Paul Schuetzler at (701) 483-4000.

Sincerely,

L. Dan Wilhelmson
General Manager/CEO
Consolidated Telephone Cooperative and Subsidiaries

**Consolidated Telephone Cooperative and Subsidiaries
Intralata Dialing Parity Timeline**

Carrier notification completed by	July 15, 1999
Carrier Response due by	August 5, 1999
Customer notification completed by	August 20, 1999
Customer response due by	August 30, 1999
IntraLATA dialing parity implementation date	August 31, 1999
End of 60 day grace period	October 29, 1999

**Consolidated Telephone Cooperative
Intralata Dialing Parity Implementation Plan**

Consolidated Telephone Cooperative submits this implementation plan for intraLATA dialing parity (the Plan) pursuant to 47 C.F.R. 51.213, FCC Order 99-54, and North Dakota Public Service Commission Case No. PU-419-99-207. The purpose of the Plan is to provide information to the Commission on how and when Consolidated will convert to intraLATA dialing parity. The provisioning of this capability will allow customers to select a long distance carrier to handle their intraLATA 1+ calls.

1. Company name and address:

Consolidated Telephone Cooperative
P.O. Box 1408
Dickinson, ND 58602

2. Associated LATA:

Bismarck LATA / LATA 638

3. Description of offering:

Consolidated Telephone Cooperative will offer intraLATA dialing parity through the full 2-PIC method of presubscription that allows a customer to presubscribe to one long distance carrier for all 1+ intraLATA toll calls and to presubscribe to the same or to another long distance carrier for all 1+ interLATA toll calls.

4. Included local exchange areas and conversion date:

IntraLATA toll dialing parity will be available in the following local exchange areas beginning August 31, 1999.

<u>Exchange</u>	<u>NPA/NXX</u>	<u>Exchange</u>	<u>NPA/NXX</u>
Amidon	701-879	Reeder	701-853
Richardton	701-974	Ladd	701-574
Manning	701-573	Scranton	701-275
South Heart	701-677	Rhame	701-279
Halliday	701-938	Regent	701-563
Dodge	701-846	Grassy Butte	701-863
Dunn Center	701-548		

5. Interexchange carrier notification:

All carriers currently offering interLATA long distance services to Consolidated customers will be notified by July 15, 1999, of the conversion to intraLATA toll dialing parity. These carriers will be asked to respond by August 5, 1999, if they want to participate in the intraLATA toll presubscription process. For those carriers choosing to participate in the presubscription process, information regarding customer choices will be forwarded to the participating carriers through the "Customer Account Record Exchange" (CARE) process that is already in place.

6 Customer notifications:

A. Current Customers:

Customers will be notified of the conversion to intraLATA toll dialing parity by letter by August 20, 1999. Included in this letter will be a list of participating carriers. In the letter, customers will be advised that they may choose an intraLATA 1+ carrier from the list of participating carriers, or they may do nothing, in which case they will remain with Consolidated Long Distance, their previous designated carrier. Enclosed with the customer notification letter will be a customer response form. Customers will be advised to fill out and return the response form if they choose a carrier other than their designated carrier, Consolidated Long Distance. Based on the customer response forms and any letters of agency received directly from participating carriers, Consolidated will execute all necessary carrier selection change as of August 30, 1999. Customers will not be charged for making any change to their intraLATA 1+ carrier selection during the presubscription process. In addition, customers will be advised that they will be given a 60 day grace period after the implementation date to change their intraLATA 1+ carrier, on time, at no charge. After the 60 day grace period, a one-time \$5.00 charge will apply to such a change, just as it does today for making an interLATA 1+ carrier change.

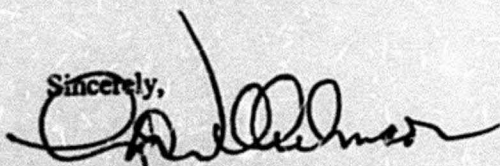
B. New Customers:

New customers applying for local service from Consolidated after August 20, 1999, will be asked to choose both an interLATA and intraLATA carrier. They will be advised that this may or may not be the same carrier and will choose from the respective lists of participating carriers. Lists used by customers service representatives will contain participating carriers' names in random order. Upon customer request, customer service representatives will provide contact telephone numbers for customers to use in contacting carriers. Customers applying for service will be encouraged to make carrier selections and will be advised that neither intraLATA 1+ nor interLATA 1+ calls can be made from their local line until selections are made. Until selections are made, customers will have to dial a carrier access code to make 1+ calls.

7. Request for approval of plan:

Consolidated Telephone Cooperative asks that the Commission grant its official approval of this plan.

Sincerely,

A handwritten signature in dark ink, appearing to read 'L. Dan Wilhelmson', with a large, stylized initial 'L'.

L. Dan Wilhelmson
General Manager
Consolidated Telephone Cooperative

507 South Main
Dickinson, ND 58601
701-483-4000
Fax 701-483-0001
1-888-225-5282
www.ctctel.com



Consolidated

Reach the World, from here.

July 26, 1999

RECEIVED

AUG 09 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

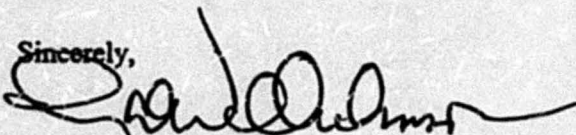
Mr. Jon Mielke, Executive Secretary
North Dakota Public Service Commission
State Capitol, 12th Floor
600 East Boulevard
Bismarck, ND 58505-0480

RE: Case No. PU-2013-99-208

Dear Mr. Mielke:

Per commission requirements we are filing our dialing parity plan for North Dakota. An original and seven copies are enclosed.

Sincerely,



L. Dan Wilhelmson
General Manager
Consolidated Telcom, Inc.

*Consolidated
Telephone
Cooperative*

*Consolidated
Enterprises
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*Consolidated
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Communications
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Intralata Dialing Parity Implementation Plan

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P.O. Box 1408
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Bismarck LATA / LATA 638

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<u>Exchange</u>	<u>NPA/NXX</u>
Hettinger	701-567
Killdeer	701-764
Bowman	701-523
New England	701-579
Mott	701-824

5. Interexchange carrier notification:

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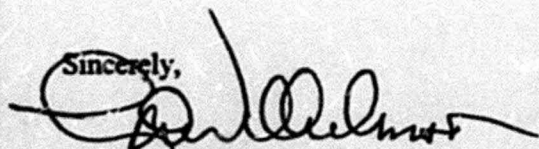
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L. Dan Wilhelmson
General Manager
Consolidated Telephone Cooperative

August 20, 1999

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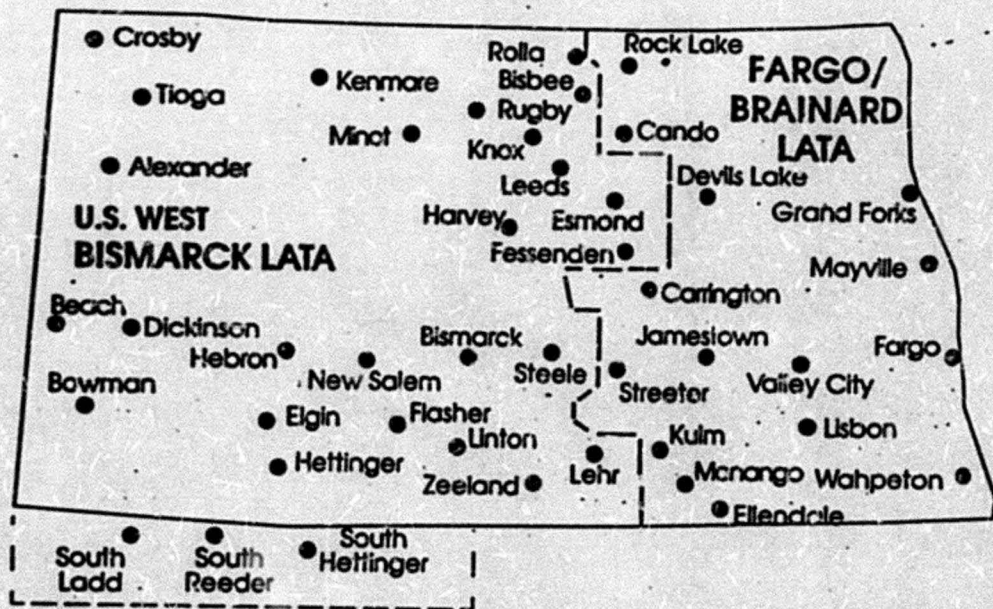
L. Dan Wilhelmson
Manager

Encl.

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Etc.....

**Consolidated
Intralata Long Distance Service
Customer Response Form**

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Carrier Name

Signature (Required)

Date (Required)

**NOTE: YOU DO NOT HAVE TO RETURN THIS FORM IF YOU WANT CONSOLIDATED LONG
DISTANCE TO BECOME YOUR INTRALATA LONG DISTANCE CARRIER.**

Date: July 15, 1999

To: Interexchange Carriers providing Interlata Long Distance Services to Consolidated Customers

From: Consolidated Telephone Cooperative and Subsidiaries
P.O. Box 1408
Dickinson, ND 58602
Fax: 701-483-0001

RE: IntraLATA Dialing Parity Implementation

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<u>End Office</u>	<u>NPA/NXX</u>	<u>End Office</u>	<u>NPA/NXX</u>
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Regent	701-563	Bowman	701-523
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Dickinson	701-483		

On August 31, 1999 Consolidated Telephone Cooperative and its Subsidiaries will implement intraLata dialing parity/equal access. If you are interested in providing intraLATA equal access in any or all of the above exchanges, please notify us in writing or fax at the above address by August 5, 1999 (see attached). Appropriate ASR's will need to be received within this timeframe also.

Please fill out form and return to Consolidated via Fax or Mail.

_____ elects to be an intraLATA toll provider in the
(Carrier Name)
Consolidated service areas noted below.

Amidon	701-879	_____ YES	_____ NO
Richardton	701-974	_____ YES	_____ NO
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Rhame	701-279	_____ YES	_____ NO
Mott	701-824	_____ YES	_____ NO
New England	701-579	_____ YES	_____ NO
Dickinson	701-483	_____ YES	_____ NO
Reeder	701-853	_____ YES	_____ NO
	605-855	_____ YES	_____ NO
Ladd	701-574	_____ YES	_____ NO
	605-576	_____ YES	_____ NO
Scranton	701-275	_____ YES	_____ NO
	605-278	_____ YES	_____ NO
Hettinger	701-567	_____ YES	_____ NO
	605-564	_____ YES	_____ NO
Bowman	701-523	_____ YES	_____ NO
Killdeer	701-764	_____ YES	_____ NO

Signature

Date

Consolidated will work closely with all carriers of record expressing an interest in being an intraLata carrier. If you have questions, you may contact Paul Schuetzler at (701) 483-4000.

Sincerely,

L. Dan Wilhelmson
General Manager/CEO
Consolidated Telephone Cooperative and Subsidiaries

**Consolidated Telephone Cooperative and Subsidiaries
Intralata Dialing Parity Timeline**

Carrier notification completed by	July 15, 1999
Carrier Response due by	August 5, 1999
Customer notification completed by	August 20, 1999
Customer response due by	August 30, 1999
IntraLATA dialing parity implementation date	August 31, 1999
End of 60 day grace period	October 29, 1999

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Absaraka Co-operative Telephone Co., Inc.*	Case No. PU-405-99-204
BEK Communications Cooperative*	Case No. PU-418-99-205
BEK Communications I, Inc.*	Case No. PU-1680-99-206
Consolidated Communications Networks*	Case No. PU-1762-99-224
Consolidated Telecom, Inc.*	Case No. PU-2013-99-208
Consolidated Telephone Cooperative*	Case No. PU-419-99-207
Dakota Central Telecommunications Coop.*	Case No. PU-1682-99-209
Dakota Central Telecom I, Inc.*	Case No. PU-1683-99-210
Dickey Rural Telephone Cooperative*	Case No. PU-421-99-211
Dickey Rural Communications, Inc.*	Case No. PU-1576-99-212
Inter-Community Telephone Company*	Case No. PU-449-99-213
Inter-Community Telephone Co. II*	Case No. PU-1685-99-214
North Dakota Telephone Company*	Case No. PU-1264-99-215
Northwest Communications Cooperative*	Case No. PU-425-99-216
Polar Communications Mutual Aid Corp.*	Case No. PU-426-99-217
Polar Telecommunications, Inc.*	Case No. PU-1727-99-218
Reservation Telephone Cooperative*	Case No. PU-427-99-219
Turtle Mountain Communications, Inc.*	Case No. PU-1686-99-221
United Telephone Mutual Aid Corporation*	Case No. PU-431-99-220
West River Telecommunications Coop.*	Case No. PU-432-99-222
West River Communications, Inc.*	Case No. PU-1540-99-223

ORDER

July 16, 1999

Appearances

Commissioners present: Bruce Hagen, Susan E. Wefald and Leo M. Reinbold.

Daniel S. Kuntz, Attorney at Law, Zuger Kirmis & Smith, P. O. Box 1695, Bismarck, North Dakota 58502-1695, and John L. Munn, Attorney at Law, 1801 California St., Suite 5100, Denver, Colorado 80202, appearing on behalf of U S WEST Communications, Inc.

Jan Sebby and Michael A. Bosh, Attorneys at Law, Pringle & Herigstad, P. O. Box 1000, Minot, North Dakota 58702-1000, appearing on behalf of Rural Telephone Company Group.

William W. Binek, Chief Counsel, North Dakota Public Service Commission, 600 East Blvd. Ave. Dept. 408, Bismarck, North Dakota 58505-0480, appearing on behalf of the Public Service Commission.

Michel L. Singer, Attorney at Law, appearing on behalf of AT&T Communications of the Midwest, Inc., 1875 Lawrence Street, Room 1575, Denver, CO 80202.

Al Wahl, Office of Administrative Hearings, 1707 North 9th Street, Lower Level, Bismarck, North Dakota 58501-1882, appearing as Administrative Law Judge.

Preliminary Statement

On March 19, 1999, the Federal Communications Commission (FCC) adopted an order in CC Docket 96-98, FCC No. 99-54 (Order), setting forth rules for the implementation of toll dialing parity. The Order requires that, no later than April 22, 1999, all local exchange carriers (LECs) must file an intraLATA toll dialing parity implementation plan (plan) with the state regulatory commission.

The captioned companies, members of the Rural Telephone Company Group (RTCG), filed plans with the North Dakota Public Service Commission, (Commission) and petitioned for suspension and modifications of the requirement for implementation of intraLATA dialing parity until June 30, 2000. The RTCG also asked the Commission to suspend the enforcement of the requirement for implementation of intraLATA dialing parity while the Commission considered final action on the petitions for suspension and modification of the toll dialing parity plans.

On May 26, 1999, the Commission granted intervenor status to AT&T Communications of the Midwest, Inc. (AT&T), MCI WorldCom, Inc., MCI Telecommunications Corporation, and U S WEST Communications, Inc. (U S WEST) in the respective cases specifically requested.

On June 15, 1999, the Commission held a formal hearing on this matter. On June 18, 1999, the Commission issued an order approving the intraLATA toll dialing parity plans of AT&T Communications of the Midwest, Inc., Accent Communications, Inc., Griggs County Telephone Co., Midcontinent Communications, Mid-Rivers Telephone Cooperative, Inc., Midstate Telephone Co., Midstate Communications, Inc., Moore & Liberty Telephone Co., Noonan Farmers Telephone Company, U S WEST Communications, Inc., and Venture Communications, Inc. effective June 22, 1999, subject to conditions. The Commission also temporarily suspended the enforcement of the requirement for the implementation of intraLATA dialing parity while the Commission considers its final action on the petitions for suspension and modification of the toll dialing parity plans. On June 18, 1999, the Commission ordered a further hearing concerning the petitions for suspension and modification.

The issues in these proceedings are:

1. Does the Commission have jurisdiction, or will the Commission have jurisdiction in the future, to approve any LEC plan?
2. Does each plan comply with the FCC requirements concerning:
 - (a) How each LEC will offer intraLATA toll dialing parity for each exchange in which it operates;
 - (b) The time schedule for implementation of intraLATA toll dialing parity;
 - (c) A proposal for timely subscriber notification and for subscribers to affirmatively select an intraLATA toll service provider; and
 - (d) For a LEC that is not a BOC, identification of the LATA with which the LEC will associate for the purposes of providing intraLATA and interLATA toll dialing parity?
3. What is each LEC's specific proposal, including proposed written content, for notification of current and future customers and should the proposal be approved?
4. What is each LEC's specific proposal for carrier notification of and participation in the implementation process and schedule, and should the proposal be approved?
5. What is each LEC's specific proposal for handling requests to change carriers and should the proposal be approved?
6. What is each LEC's specific proposal for recovering the costs of implementation of intraLATA dialing parity, including a description of the cost determination and cost recovery mechanism, and should the proposal be approved?
7. What is each LEC's specific proposal concerning the process for carrier selection by the customer after the presubscription process has been completed, and should the proposal be approved?

Additional issues for the companies requesting suspension or modification of the duty to provide toll dialing parity:

8. Does the Commission have jurisdiction, or will the Commission have jurisdiction in the future, to grant a petition for suspension or modification of the duty to provide dialing parity?
9. Is suspension or modification of the duty to provide dialing parity necessary to avoid a significant adverse economic impact on users of telecommunications services generally?
10. Is suspension or modification of the duty to provide dialing parity necessary to allow a LEC time to rebalance access and other rates prior to the provision of intraLATA dialing parity?
11. Is suspension or modification of the duty to provide dialing parity necessary to avoid imposing a requirement that is unduly economically burdensome?
12. Is suspension or modification of the duty to provide dialing parity necessary to avoid imposing a requirement that is technically infeasible?
13. Is suspension or modification of the duty to provide dialing parity consistent with the public interest, convenience, and necessity?

On June 25, 1999, the RTCG filed an affidavit of mailing relating to affidavits of the RTCG member telephone company managers which were offered as exhibits at the June 15, 1999, hearing.

On June 25, 1999, U S WEST filed objections to the receipt of affidavits in these proceedings.

On June 28, 1999, U S WEST filed a motion and supporting brief for reconsideration of the following aspects of the Commission's June 18, 1999 order: 1) that operator assisted 0- calls requiring live operator assistance shall be provided with a competitively neutral (sp) script to inform customers that they can dial 00 to reach their presubscribed carrier's operator; 2) that the Commission has authority until August 1, 1999 under existing law to grant a suspension and modification under §251(f)(2) of the federal Telecommunications Act of 1996; and 3) that the record be reopened and hearing continued in the RTCG suspension proceedings.

On July 2, 1999, the RTCG filed an amended dialing parity implementation plan and petition for suspension and modification.

On July 2, 1999, the RTCG filed testimony of David Dunning, Duaine Ternes, and James Howard, Jr. and a pre-hearing brief.

On July 2, 1999, U S WEST filed testimony of Scott A. Macintosh and a pre-hearing brief.

On July 9, 1999, the Commission held a further hearing as scheduled. AT&T did not participate in the hearing. U S WEST and the RTCG requested a continuance to 9 a.m. on July 14, 1999 to pursue efforts at a negotiated agreement. The RTCG offered affidavits of member managers in support of its request for suspension and modification which were admitted subject to U S WEST's right to cross examine if the parties are unable to reach agreement.

On July 14, 1999, U S WEST and the RTCG members filed a Stipulation setting forth provisions concerning: 1) the future designated intraLATA 1+ toll provider for toll traffic originating from exchanges served by the RTCG members, 2) the message toll service rates of U S WEST during the interim, and 3) the access charges during the interim. The Stipulation also provides for U S WEST's withdrawal of its intervention and opposition to the RTCG members' implementation plans for intraLATA toll dialing parity and amended petition for suspension and modification of the Federal Communications Commission's dialing parity implementation requirements.

Findings of Fact

1. The RTCG plans for dialing parity as stated in RTCG's amended application are modified by the Stipulation. The RTCG plans for dialing parity are to be implemented no later than January 1, 2000.

2. The Telecommunications Act of 1996 includes provisions allowing State commissions to suspend or modify application of the requirements of dialing parity in the case of a local exchange carrier with fewer than 2 percent of the Nation's subscriber lines. Each of the RTCG companies is a local exchange carrier with fewer than 2 percent of the Nation's subscriber lines.

3. The RTCG alleges that access charges need to be revised and implemented before dialing parity/equal access is implemented (i) to avoid a significant adverse economic impact on users of telecommunications services generally, (ii) to avoid imposing a requirement that is unduly economically burdensome, and (iii) to be consistent with the public interest, convenience and necessity.

4. Absaraka Co-operative Co., Inc., BEK Communications Cooperative, BEK Communications I, Inc., Consolidated Communications Networks, Consolidated Telcom, Inc., Consolidated Telephone Cooperative, Dakota Central Telecommunications Coop., Dakota Central Telecom I, Inc., Dickey Rural Telephone Cooperative, Dickey Rural Communications, Inc., Inter-Community Telephone Company, Inter-Community Telephone Co. II, North Dakota Telephone Company, Northwest Communications Cooperative, Polar Communications Mutual Aid Corp., Polar Telecommunications, Inc., Reservation Telephone Cooperative, Turtle Mountain

Communications, Inc., United Telephone Mutual Aid Corporation, West River Telecommunications Coop., and West River Communications, Inc. each filed an affidavit stating that the company resources, including human resources, are limited so that it is unduly economically burdensome and technically infeasible to implement intraLATA toll dialing parity within the July 22, 1999, deadline established by the Federal Communications Commission.

From the foregoing Findings of Fact, the Commission makes the following:

Conclusions of Law

1. The Commission has jurisdiction over the parties to and the subject matter of these proceedings.

2. It is consistent with both state and federal statutes for the Commission to suspend and modify application of the requirements of dialing parity to these local exchange carriers, until January 1, 2000.

3. Each of the RTCG companies qualifies for suspension or modification of the requirements of dialing parity under this provision of federal law. 47 USC 251 (f).

4. The Stipulation filed by U S WEST and the RTCG members is acceptable.

5. RTCG Implementation of dialing parity no later than January 1, 2000, is consistent with the public interest, convenience and necessity.

6. The intraLATA dialing parity plans of Absaraka Co-operative Co., Inc., BEK Communications Cooperative, BEK Communications I, Inc., Consolidated Communications Networks, Consolidated Telcom, Inc., Consolidated Telephone Cooperative, Dakota Central Telecommunications Coop., Dakota Central Telecom I, Inc., Dickey Rural Telephone Cooperative, Dickey Rural Communications, Inc., Inter-Community Telephone Company, Inter-Community Telephone Co. II, North Dakota Telephone Company, Northwest Communications Cooperative, Polar Communications Mutual Aid Corp., Polar Telecommunications, Inc., Reservation Telephone Cooperative, Turtle Mountain Communications, Inc., United Telephone Mutual Aid Corporation, West River Telecommunications Coop., and West River Communications, Inc., should be approved, subject to conditions, and their applications for suspension and modification of the requirements of dialing parity until January 1, 2000, should be granted.

From the foregoing Findings of Fact and Conclusions of Law, the Commission makes the following:

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

IN THE MATTER OF THE FILING BY)	ORDER APPROVING
CONSOLIDATED TELEPHONE COOPERATIVE)	DIALING PARITY
AND ITS WHOLLY OWNED SUBSIDIARY,)	IMPLEMENTATION PLANS
CONSOLIDATED TELCOM, INC., FORMERLY)	
KNOWN AS CTC COMMUNICATIONS, INC.)	TC99-042
FOR APPROVAL OF PETITION FOR)	
SUSPENSION AND MODIFICATION OF)	
DIALING PARITY)	

On April 20, 1999, Consolidated Telephone Cooperative and its Wholly Owned Subsidiary, Consolidated Telcom, Inc. formerly known as CTC Communications, Inc. filed for approval of their petition for suspension and modification of dialing parity. Consolidated Telephone Cooperative and Consolidated Telcom, Inc. each have fewer than 2% of the nation's subscriber lines installed in the aggregate. Pursuant to 47 U.S.C. § 251(f)(2), Consolidated Telephone Cooperative and Consolidated Telcom, Inc. petitioned the Commission for a suspension and modification of the requirement for implementation of intraLATA dialing parity in its service areas until June 30, 2000. Consolidated Telephone Cooperative and Consolidated Telcom, Inc. stated that "[t]he grounds for the petition are that suspension and modification are: a) necessary to avoid imposing requirements that are unduly economically burdensome and infeasible, and b) consistent with the public interest, convenience and necessity. The compressed schedule mandated by the FCC's 1999 Order [CC Docket No. 96-98, Order adopted March 19 and released March 23, 1999, FCC 99-54] is burdensome and infeasible for small LECs to develop and administer plans for timely notification of their subscribers and interexchange carriers regarding subscribers' selection of intraLATA toll providers, and for small LECs to develop fully compensatory local exchange access rates to replace the current arrangement."

The Commission requested comments on Consolidated Telephone Cooperative and Consolidated Telcom, Inc.'s petition for suspension and modification. Commission Staff recommended denying the petition.

On June 4, 1999, Consolidated Telephone Cooperative and Consolidated Telcom, Inc. filed their petition for suspension and modification affidavit that they intended to file with the North Dakota Public Service Commission (NDPSC) for a June 15, 1999, hearing before the NDPSC. The companies requested that the Commission consider mirroring the outcome of the NDPSC hearing.

At its June 22, 1999, meeting, the Commission considered whether to grant the petition. The Commission has jurisdiction over this matter pursuant to SDCL 49-31-80 and 49-31-81, ARSD 20:10:32:39, and the federal Telecommunications Act of 1996, specifically §§ 251 and 252. Consolidated Telephone Cooperative and Consolidated Telcom, Inc. did not appear at the meeting. Commission Staff informed the Commission that the NDPSC had to delay its hearing until July so the NDPSC had not ruled on the issue yet. The Commission voted unanimously to grant Consolidated Telephone Cooperative and Consolidated Telcom, Inc. a suspension and modification until September 15, 1999. The Commission finds, pursuant to SDCL 49-31-81 and section 251(f)(2), the suspension and modification is necessary to avoid imposing a requirement that is technically infeasible since Consolidated Telephone Cooperative and Consolidated Telcom, Inc. have not yet begun to implement dialing parity pending the ruling on their petition for suspension and modification. The Commission further finds that the suspension and modification is consistent with the public

interest, convenience, and necessity. In making this determination, the Commission notes that the suspension and modification that it granted is for a shorter time period than requested by the companies. The Commission finds that the companies' request for a suspension and modification until June 30, 2000, was not adequately justified by the companies. The Commission also ordered Consolidated Telephone Cooperative and Consolidated Telcom, Inc. to file a dialing parity implementation plan consistent with the Commission orders issued in Docket TC99-030 and any applicable FCC orders.

On August 9, 1999, the Commission received a letter from Consolidated Telephone Cooperative and Consolidated Telcom, Inc., requesting the Commission to consider mirroring the North Dakota Public Service Commission order issued July 16, 1999, extending, until January 1, 2000, the suspension and modification of the requirements of dialing parity. In its letter, Consolidated Telephone Cooperative and Consolidated Telcom, Inc., stated that it would convert their South Dakota customers to a 2-Pic equal access environment on August 31, 1999. At its regularly scheduled meeting on August 17, 1999, the Commission again ordered Consolidated Telephone Cooperative and Consolidated Telcom, Inc., to file a dialing parity plan by September 15, 1999, consistent with its prior orders.

At its duly noticed meeting of November 15, 1999, the Commission considered this matter. Commission Staff stated that their concerns with the customer letter had not been addressed. Staff also reported that Consolidated Telephone Cooperative and Consolidated Telcom, Inc. had implemented its dialing parity plan on August 31, 1999. The Commission considered whether to approve Consolidated Telephone Cooperative and Consolidated Telcom, Inc.'s amended plans. The Commission voted unanimously to approve Consolidated Telephone Cooperative and Consolidated Telcom, Inc.'s amended intraLATA dialing parity implementation plans, however the Commission did not approve the customer letter. The Commission finds the plans comply with the applicable FCC and Commission orders.

It is therefore

ORDERED, that Consolidated Telephone Cooperative and Consolidated Telcom, Inc.'s amended dialing parity implementation plans are approved, however the customer letter was not approved by the Commission.

Dated at Pierre, South Dakota, this 8th day of December, 1999.

<p align="center">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u><i>Devin Kelso</i></u></p> <p>Date: <u>12/8/99</u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner