

TC99-056



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<sup>1</sup>ALSO LICENSED IN WYOMING  
<sup>2</sup>ALSO LICENSED IN MINNESOTA

OF COUNSEL  
DAVID E. MORRILL

May 20, 1999

[e-mail: jknooney@mtnlaw.com]

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

RECEIVED

MAY 21 1999

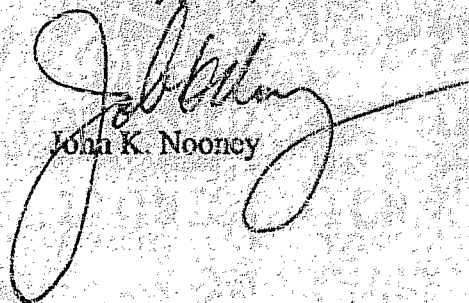
SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

Re: Black Hills FiberCom, L.L.C.  
Our File No. BH-1052

Dear Mr. Bullard:

Enclosed are the original and ten copies of the Application of Black Hills FiberCom, L.L.C. to Offer a Different Local Calling Area Than That Which is Provided by the Incumbent Local Exchange Carrier, U. S. West, Consistent with ARSD 20:10:32:11.

Sincerely yours,



John K. Nooney

JKN:bjr

Enclosures

cc Ron Schaible  
Daniel P. Landguth  
Kyle D. White

RECEIVED

MAY 21 1999

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

In the Matter of the Application of Black Hills FiberCom, L.L.C., to Provide a Different Local Calling Area Than That Which is Provided by the Incumbent Local Exchange Carrier )

Docket No. \_\_\_\_\_

APPLICATION OF BLACK HILLS FIBERCOM, L.L.C.  
TO OFFER A DIFFERENT LOCAL CALLING AREA  
THAN THAT WHICH IS PROVIDED BY THE INCUMBENT  
LOCAL EXCHANGE CARRIER, U. S. WEST  
CONSISTENT WITH ARSD 20:10:32:11

Black Hills FiberCom, L.L.C. ("Black Hills"), submits this application, consistent with the provisions of ARSD 20:10:32:11, to provide a different local calling area than that which is provided by U. S. West and, in support of its application and consistent with the provisions of ARSD 20:10:32:11, states as follows:

1. Black Hills FiberCom, L.L.C., through its predecessor in interest, was originally granted a Certificate of Authority from the South Dakota Public Utilities Commission ("Commission") on August 5, 1998, which has been transferred to Black Hills consistent with the Commission Order dated May 5, 1999.

2. Black Hills proposes to provide competitive local exchange services in an area presently served by the incumbent local exchange carrier, U. S. West, in the communities of Belle Fourche, Black Hawk, Deadwood, Lead, Piedmont, Rapid City, Spearfish, Sturgis, St. Onge, and Whitewood.

3. Black Hills proposes to provide extended area service (no toll calls) for its customers to all other customers, including but not limited to U.S. West customers, and Black Hills customers, between the communities of Belle Fourche, Black Hawk, Deadwood, Lead, Piedmont, Rapid City, Spearfish, Sturgis, St. Onge, and Whitewood.

4. Presently, the communities identified in paragraph 3 and/or served by U.S. West have free calls only within the local calling areas identified below:

- Belle Fourche
  - Aladdin, Wyoming
  - Colony, Wyoming
  - Fruitdale, South Dakota
  - Nisland, South Dakota

- Black Hawk

Box Elder, South Dakota  
 Ellsworth Air Force Base, South Dakota  
 Hermosa, South Dakota  
 Hill City, South Dakota  
 Keystone, South Dakota  
 Piedmont, South Dakota  
 Rapid City, South Dakota
- Deadwood

Beulah, Wyoming  
 Lead, South Dakota  
 Spearfish, South Dakota  
 Whitewood, South Dakota
- Lead

Beulah, Wyoming  
 Deadwood, South Dakota  
 Spearfish, South Dakota  
 Whitewood, South Dakota
- Piedmont

Black Hawk, South Dakota  
 Box Elder, South Dakota  
 Ellsworth Air Force Base, South Dakota  
 Hermosa, South Dakota  
 Hill City, South Dakota  
 Keystone, South Dakota  
 Rapid City, South Dakota
- Rapid City

Black Hawk, South Dakota  
 Box Elder, South Dakota  
 Ellsworth Air Force Base, South Dakota  
 Hermosa, South Dakota  
 Hill City, South Dakota  
 Piedmont, South Dakota
- Spearfish

Beulah, Wyoming  
 Deadwood, South Dakota  
 Lead, South Dakota  
 Whitewood, South Dakota
- Sturgis

None
- St. Onge

None

• Whitewood

Deadwood, South Dakota  
Lead, South Dakota  
Spearfish, South Dakota  
Eulalia, Wyoming

5. The local calling area proposed by Black Hills is not contrary to the universal service, public safety and welfare, quality of service, or consumer rights to the communities in which Black Hills will provide service, as the customer will have a choice of continuing its service through U. S. West as the local exchange carrier or, alternatively, by agreeing to the service provided by Black Hills. Black Hills' extended area service will provide a free local calling area between Rapid City to the north, inclusive of Spearfish and Sturgis and everything in between. Extended area service has been a point of contention and concern for the citizens of the Northern Hills and their incumbent local exchange carrier over the last several years, and Black Hills proposes to provide these customers an alternative to the calling area presently served by U. S. West.

WHEREFORE, Black Hills respectfully requests that the Commission enter an Order authorizing Black Hills to provide a local exchange service area different than that which is presently served by U. S. West, the incumbent local exchange carrier, consistent with the provisions of ARSD 20:10:32:11.

Dated this 20th day of May, 1999.

BLACK HILLS FIBERCOM, L.L.C.

By Kyle D. White  
Its Vice President of Marketing and Regulatory  
Affairs

STATE OF SOUTH DAKOTA )  
 )  
COUNTY OF PENNINGTON )

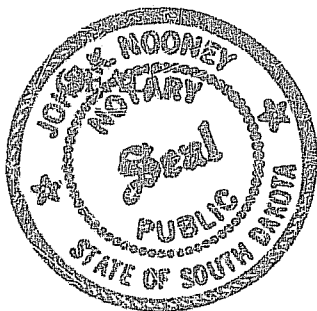
Kyle D. White, being first duly sworn on his oath, deposes and says: That he is the Vice President of Marketing and Regulatory Affairs of Black Hills FiberCom, L.L.C., named in the within and foregoing Application; that he has read the same and knows the contents thereof to be

true of his own knowledge except as to those matters therein stated on information and belief, and as to such matters, he believes it to be true.

*Kyle D. White*  
\_\_\_\_\_  
Kyle D. White

Subscribed and sworn to before me this 24<sup>th</sup> day of May, 1999.

*[Signature]*  
\_\_\_\_\_  
Notary Public



MY COMM. EXPIRES  
7/12/2001

South Dakota Public Utilities Commission

**WEEKLY FILINGS**

For the Period of May 13, 1999 through May 26, 1999

There were no filings during the period of May 13, 1999 through May 19, 1999

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact  
Delaine Koibo within five business days of this filing.  
Phone: 605-773-3705 Fax: 605-773-3609

**ELECTRIC**

**EL99-008** In the Matter of the Filing by the City of Watertown, South Dakota, for Approval to Modify Assigned Service Area between Codington Clark Electric Cooperative and the City of Watertown, South Dakota.

As a result of a recent annexation to the City of Watertown, the Commission received a filing from the City of Watertown, South Dakota for approval to modify the assigned service area between Codington Clark Electric Cooperative and the City of Watertown. The service territory boundary change includes Lot 2 and 28th Avenue South, within the South 2,000 feet of the East ½ of Section 7 of the plat entitled "Benedictine Sisters Subdivision to the Municipality of Watertown in Section 7, T116N, R52W, of the 5th P.M. Codington County, South Dakota.

Staff Analyst: Michele Farris  
Staff Attorney: Camron Hoseck  
Date Filed: 05/21/99  
Intervention Deadline: 06/11/99

**EL99-009** In the Matter of the Filing by Northern States Power Company for Approval of its 1998 Economic Development Report and 1999 Economic Development Plan.

On May 24, 1999, the Commission received a filing from Northern States Power Company in accordance with South Dakota Public Utilities Commission docket EL91-004: (1) a report of its 1998 economic development and (2) a proposed economic development investment budget for 1999.

Staff Analyst: Michele Farris  
Staff Attorney: Camron Hoseck  
Date Filed: 05/24/99  
Intervention Deadline: 06/11/99

**EL99-010** In the Matter of the Petition for Declaratory Ruling by the Mayor of the City of Flandreau on Whether a Proposed Transmission Line Meets the Definition of SDCL 49-41B-2.1.

The City of Flandreau is proposing to construct a transmission line from the existing Western Area Power Administration substation located west of Flandreau and a new substation. They are seeking a declaratory ruling from the Commission as to whether or not the proposed project falls within the SDCL 49-41B-2.1 definition of a transmission line and associated facility, thereby requiring a SDPUC permit.

Staff Analyst: Michele Farris  
Staff Attorney: Karen Cremer  
Date Filed: 05/26/99  
Intervention deadline: 06/11/99



U S WEST, Inc.  
1801 California Street, Suite 5110  
Denver, Colorado 80202  
303 672-5871  
Facsimile 303 222-0167

Alex M. Duarte  
Senior Attorney

RECEIVED

JUN 14 1999

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

VIA FEDERAL EXPRESS

June 11, 1999

FAX Received 3:11 PM

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

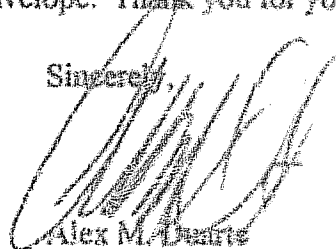
RE: In the Matter of the Application of Black Hills FiberCom, L.L.C., to Provide a Different Local Calling Area than that which is Provided by the Incumbent Local Exchange Carrier

Dear Mr. Bullard:

Enclosed for filing are an original and ten (10) copies of U S WEST's Petition for leave to Intervene in the above-referenced matter.

I have also enclosed an additional copy of this letter to be date-stamped and returned to me in the enclosed self-addressed stamped envelope. Thank you for your cooperation.

Sincerely,



Alex M. Duarte

Enclosures

cc: John K. Nooney, Esq.

RECEIVED

JUN 14 1999

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF )  
BLACK HILLS FIBERCOM, L.L.C., TO PROVIDE )  
A DIFFERENT LOCAL CALLING AREA THAN )  
THAT WHICH IS PROVIDED BY THE INCUMBENT )  
LOCAL EXCHANGE CARRIER )

TC99-056

Received JUN 11 1999

U S WEST'S PETITION FOR LEAVE TO INTERVENE

U S WEST Communications, Inc. (U S WEST), through counsel, pursuant to ARSD 20:10:01:15:02 requests this Commission that it be permitted to intervene and be granted status as a party in this matter. As grounds, U S WEST states as follows:

1. On May 26, 1999, the Commission received a petition by Black Hills FiberCom L.L.C. to provide a different local calling area than that which is provided by the incumbent local exchange carrier, U S WEST.

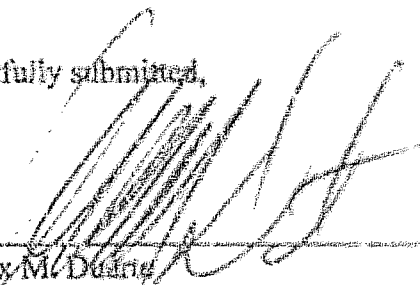
2. U S WEST is one of the telecommunications providers that is the subject of the petition, and is the incumbent local exchange carrier for the local calling area which Black Hills FiberCom L.L.C. seeks to change. This petition effects U S WEST services, facilities, network, rates, and other aspects of U S WEST provisioning of service. Any rulings made by the Commission in this proceeding will substantially and directly impact U S WEST. U S WEST therefore has an interest in this docket pursuant to ARSD 20:10:01:15:02.

WHEREFORE, U S WEST requests that this Commission enter an order granting U S WEST leave to intervene and to participate in this matter as a party.

Dated this 10<sup>th</sup> day of June, 1999.

Respectfully submitted,

By

  
Alex M. DeSire  
U S WEST Law Department  
1801 California Street, Suite 5100  
Denver, CO 80202  
(303) 672-2783

ATTORNEY FOR U S WEST  
COMMUNICATIONS, INC.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF ) ORDER GRANTING  
BLACK HILLS FIBERCOM, L.L.C. FOR ) INTERVENTION  
APPROVAL TO OFFER A DIFFERENT LOCAL )  
CALLING AREA ) TC99-056

On May 21, 1999, the South Dakota Public Utilities Commission (Commission) received an application from Black Hills FiberCom, L.L.C. (Black Hills). According to its application, Black Hills submitted the application pursuant to the provisions of ARSD 20:10:32:11, to provide a different local calling area than that which is provided by U S WEST Communications, Inc. (U S WEST).

On May 27, 1999, the Commission electronically transmitted notice of the filing and the intervention deadline of June 11, 1999, to interested individuals and entities. On June 11, 1999, U S WEST filed a Petition for Leave to Intervene. At its regularly scheduled June 22, 1999, meeting, the Commission considered U S WEST's request for intervention.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31.

The Commission found that the petition to intervene was timely filed and demonstrated good cause to grant intervention. It is therefore

ORDERED that U S WEST's request for intervention is hereby granted.

Dated at Pierre, South Dakota, this 25<sup>th</sup> 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>Debrae Kaebo</u>
Date:	<u>6/25/99</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

**BOYCE, MURPHY, McDOWELL & GREENFIELD, L.L.P.**  
ATTORNEYS AT LAW

Jennifer D. Murphy  
Russell B. Greenfield  
David J. Vachero  
Gary J. Peckby  
Vance R.C. Goldwasser  
Thomas J. Well  
Terry N. Prosenzger  
James E. McElhannon  
Michael S. McElmigh  
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Sioux Falls, South Dakota 57117-5015

Telephone 605 336-2424  
Facsimile 605 334-0618

Water's Direct Dial Number 605-734-0208  
twell@boymurphy.com

Thomas A. Rife  
George J. Thompson  
Lee Hansen Mares  
Jeffrey C. Chappin

Of Counsel  
John B. McDowell

J.W. Rogers (605-336-2424)  
John S. Murphy (605-336-2424)

July 23, 1999

VIA FACSIMILE - 605-773-3809

William Bullard, Executive Director  
Public Utilities Commission  
State Capitol Building  
500 East Capital Avenue  
Pierre, SD 57501

Re: Black Hills FiberCom, L.L.C. (TC99-056)  
Our File No. 2104.027

Dear Bill:

Enclosed please find U S WEST's Interrogatories to Black Hills FiberCom, L.L.C. The original and ten (10) copies are being mailed today.

Sincerely yours,

BOYCE, MURPHY, McDOWELL &  
GREENFIELD, L.L.P.



Thomas J. Well

TJW/jal  
Enclosures

RECEIVED

JUL 26 1999

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

FAX Received JUL 26 1999

RECEIVED

JUL 26 1999

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

FAX Received JUL 23 1999

TC 99-056

IN THE MATTER OF THE APPLICATION OF  
BLACK HILLS FIBERCOM, L.L.C., TO  
PROVIDE A DIFFERENT LOCAL CALLING  
AREA THAN THAT WHICH IS PROVIDED  
BY THE INCUMBENT EXCHANGE CARRIER

U S WEST COMMUNICATIONS, INC.'s  
INTERROGATORIES TO BLACK HILLS  
FIBERCOM, L.L.C. AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS  
(FIRST SET)  
AND CERTIFICATE OF SERVICE

TO: BLACK HILLS FIBERCOM, L.L.C. AND KYLE D. WHITE, ITS VICE PRESIDENT OF  
MARKETING AND REGULATORY AFFAIRS

U S WEST Communications, Inc. ("U S WEST"), pursuant to ARSD 20.10-01.22.01, SDCL  
15-6-33 and 15-6-34, propounds the following written interrogatories and document requests to  
Black Hills FiberCom, L.L.C. ("Black Hills"), for answer under oath within thirty (30) days of the  
service hereof. These interrogatories and document requests shall be deemed continuing in nature,  
requiring Black Hills to supplement said interrogatories or document requests when Black Hills or  
its attorney obtains information in addition to or different from any information provided in the  
original answers to the interrogatories or responses to the document requests.

You are reminded that your answers must include all information available not only to you,  
but also available to your agents, attorneys, insurers, or others who have information available to you  
upon your inquiry of them.

In these interrogatories and document requests to you, the following definitions and  
instructions apply. Note that when documents are identified (as defined in Definition No. 3 below),  
there is an automatic demand for production, made pursuant to SDCL 15-6-14 (with an option to you  
to produce copies in lieu of the formal inspection).

## DEFINITIONS AND INSTRUCTIONS

1. "You" or "your" shall refer to Black Hills FiberCom, L.L.C. and any of its agents, representatives, or employees.
2. "Application" shall refer to the application dated May 20, 1999 you filed with the Public Utilities Commission ("Commission") requesting a different local calling area.
3. "Person" shall be deemed to mean the plural as well as the singular, any natural person, firm, association, partnership, corporation, or other form of legal entity or governmental body, and its agents, officers, directors, or employees, unless the context requires otherwise.
4. "Document" shall mean the original and any copy of any written, typed, printed, recorded, or graphic matter of any kind, however produced or reproduced, including, but not limited to, letters or other correspondence, telegrams, memoranda, facsimiles, e-mail messages, reports, notes, summaries, tabulations, work papers, cost sheets, cancelled checks, financial reports and statements, bookkeeping and accounting records of all types, photographs, advertisements, tape recordings, micro film, and other data compilations including computer data.
5. "Date" means the exact day, month, and year, if ascertainable; if not, the closest approximation that can be made thereto.

## INTERROGATORIES

1. Do you intend to file any documents which will show the rates to be charged to customers to provide extended area service as set forth in the Application? If yes, what date do you intend to file such documents.
2. Please produce any documents you intend to file with the Commission regarding the charges to be made to customers.

3. Do you intend to make extended area service available to all residential and business customers in the requested calling area? If you are not intending to make available extended area service to all residential and business customers, explain why not.

4. If the Application is granted, do you intend to pay to U S WEST terminating switched access for calls from your customers terminating in U S WEST exchange territories except for local traffic as defined in the Interconnection Agreement between you and US WEST? If not, explain why terminating access will not be paid.

5. If at some time you decide to discontinue your extended local area calling plan, do you intend to obtain Commission approval to discontinue such plan?

6. If you intend to modify the communities that would have available your expanded local area calling, will you seek Commission approval to reduce or expand the communities to be served?

7. Will there be any charges to customers other than a local exchange service charge for the expanded calling area service?

8. Have all technical arrangements been made with all other carriers to implement the expanded local calling area?

9. Describe all technical arrangements that have been made with carriers to implement the expanded area service.

10. Are all the technical arrangements with U S WEST to implement your expanded local calling area confirmed in your letter of June 15, 1999 to Dave Chaplins from Ron Schable, your vice-president and general manager? If not, describe what technical arrangements you have with U S WEST.

Dated this 23<sup>rd</sup> day of July, 1999.



Thomas J. Welk  
BOYCE, MURPHY, MCDOWELL & GREENFIELD  
P.O. Box 5015  
Sioux Falls, SD 57117-5015  
Telephone: (605) 336-2424  
Attorneys for U S WEST Communications, Inc.

### CERTIFICATE OF SERVICE

I, Thomas J. Welk, do hereby certify that I am a member of the law firm of BOYCE, MURPHY, MCDOWELL & GREENFIELD, L.L.P., attorneys for U S WEST Communications, Inc herein, and that on this 23<sup>rd</sup> day of July, 1999, true and correct copies of the U S WEST Communications, Inc.'s Interrogatories to Black Hills FiberCom, L.L.C. and Requests for Production of Documents (First Set) were sent to the following by US mail, postage prepaid thereon, to the following addresses:

Kyle D. White  
Vice President of Marketing  
& Regulatory Affairs  
P.O. Box 2115  
Rapid City, SD 57709

Karen E. Cramer  
Staff Attorney with the  
Public Utilities Commission  
500 E. Capitol  
Pierre, SD 57501



Thomas J. Welk



LAW OFFICES  
**MORRILL THOMAS NOONEY & BRAUN, LLP**  
625 NINTH STREET - 8TH FLOOR  
P.O. Box 8108  
RAPID CITY, SOUTH DAKOTA 57709-8108

TELEPHONE (605) 348-7515  
FAX (605) 348-5852

TIMOTHY L. THOMAS\*  
JOHN K. NOONEY\*  
LONNIE R. BRAUN  
PENNY TIEKE FLATNICK\*  
GREGORY J. BERNARD

\*ALSO LICENSED IN WYOMING  
\*ALSO LICENSED IN MINNESOTA

August 23, 1999

[e-mail: jknooney@mtniaw.com]

OF COUNSEL  
DAVID E. MORRILL

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

RECEIVED

AUG 25 1999


SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

Re: Black Hills FiberCom, L.L.C.  
Our File No. BH-1052

Dear Mr. Bullard:

Enclosed for filing are the original and ten copies of Black Hills FiberCom, L.L.C.'s Answers to USWest Communications, Inc.'s Interrogatories to Black Hills FiberCom, L.L.C. and Responses to Requests for Production of Documents (First Set).

Sincerely yours,



John K. Nooney

JKN:bjr

Enclosures

cc Thomas J. Welk, Esq. w/enclosure  
Kyle D. White

RECEIVED

AUG 25 1999

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

In the Matter of the Application of Black Hills FiberCom, L.L.C., to Provide a Different Local Calling Area Than That Which is Provided by the Incumbent Local Exchange Carrier )

Docket No. \_\_\_\_\_

BLACK HILLS FIBERCOM, L.L.C.'S ANSWERS TO USWEST COMMUNICATIONS, INC.'S INTERROGATORIES TO BLACK HILLS FIBERCOM, L.L.C. AND RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS (FIRST SET)

Black Hills FiberCom, L.L.C. responds to USWest Communications, Inc.'s Interrogatories to Black Hills FiberCom, L.L.C. and Requests for Production of Documents (First Set) as follows:

- 1. Do you intend to file any documents which will show the rates to be charged to customers to provide extended area service as set forth in the application? If yes, what date do you intend to file such documents

ANSWER: No.

- 2. Please produce any documents you intend to file with the Commission regarding the charges to be made to customers.

ANSWER: Black Hills FiberCom does not plan to file its pricing with the South Dakota Public Utilities Commission.

- 3. Do you intend to make extended area service available to all residential and business customers in the requested calling area? If you are not intending to make available extended area service to all residential and business customers, explain why not.

ANSWER: Yes. It will be offered to all customers connected to our new telecommunications infrastructure. Those areas where our facilities do not extend will not be eligible for our service and extended area service plan.

- 4. If the Application is granted, do you intend to pay USWEST terminating switched access for calls from your customers terminating the USWEST exchange

territories except for local traffic as defined in the Interconnection Agreement between you and USWEST? If not, explain why terminating access will not be paid.

ANSWER: Black Hills FiberCom will comply with the terms of the Interconnection Agreement.

5. If at some time you decide to discontinue your extended local area-calling plan, do you intend to obtain Commission approval to discontinue such plan?

ANSWER: Our filing would be dependent upon the terms of the revised plan and the Commission's requirements at the time a revision is necessary.

6. If you intend to modify the communities that would have available your expanded local area calling, will you seek Commission approval to reduce or expand the communities to be served?

ANSWER: Our response is dependent upon the Commission's order in this docket and the requirement existing at the time of our decision to modify the expanded local calling area.

7. Will there be any charges to customers other than a local exchange service charge for the expanded calling area service?

ANSWER: No.

8. Have all technical arrangements been made with all other carriers to implement the expanded local calling area?

ANSWER: The necessary arrangements only involve USWEST, and we believe they have been appropriately implemented. (See attached correspondence.)

9. Describe all technical arrangements that have been made with carriers to implement the expanded area service.

ANSWER: Please refer to the correspondence for the technical arrangement detail to Dave Chapline dated August 3, 1999 and June 15, 1999.

10. Are all the technical arrangements with USWEST to implement your expanded local calling area confirmed in your letter of June 15, 1999 to Dave Chapline from Ron Schaible, your vice-president and general manager? If not, describe what technical arrangements you have with USWEST.

ANSWER: Yes, as supplemented by Mr. Schaible's August 3, 1999 letter to Dave Chapline.

Dated this 20th day of August, 1999.

BLACK HILLS FIBERCOM, L.L.C.

By Kyle D. White  
Its Vice President of Marketing and Regulatory Affairs

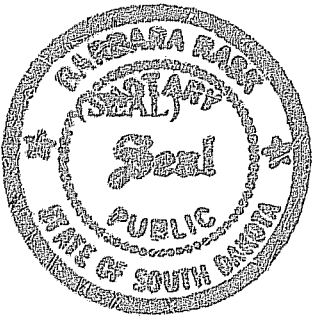
STATE OF SOUTH DAKOTA )  
 )  
COUNTY OF PENNINGTON )

Kyle D. White, being first duly sworn on his oath, deposes and says: That he is the Vice President of Marketing and Regulatory Affairs of Black Hills FiberCom, L.L.C., named in the within and foregoing Answers to Interrogatories; that he has read the same and knows the contents thereof to be true of his own knowledge except as to those matters therein stated on information and belief, and as to such matters, he believes it to be true.

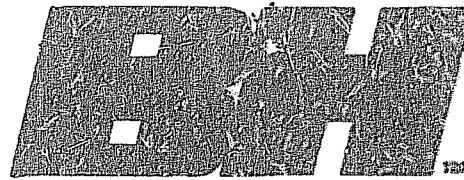
Kyle D. White  
Kyle D. White

Subscribed and sworn to before me this 20th day of August, 1999.

Barbara Rask  
Notary Public



My Commission Expires  
July 25, 2005



**Black Hills FiberCom**

*No One Else Has Our Connections.*

[www.blackhillsfiber.com](http://www.blackhillsfiber.com)

809 Deadwood Ave Rapid City, SD 57702 Ph. 605-348-1781 Fax 605-342-1693

June 15, 1999

Dave Chaplin  
US WEST

Dear Dave:

Black Hills FiberCom, L.L.C. (BHFC) will subscribe to four (4) NXXs and list those four (4) NXXs in the LERG, one for each of the four (4) rate centers that US WEST currently has in our market area. The four (4) rate centers are: Rapid City, Sturgis, Belle Fourche, and Spearfish/Deadwood/Lead/Whiterwood. The association of a specific NXX to a specific rate center will allow call handling between our companies to be free of charge within each of these US WEST toll areas and apply access rates when crossing the US WEST toll area. BHFC will pay US WEST the tariff access rate for calls originated by BHFC customers and terminated in another US WEST toll area. BHFC will file an Access Tariff and apply its tariffed Access Rate to those same toll areas so that US WEST will pay BHFC its Access Rate when a US WEST customer originates a call in one area and terminates the call to a BHFC customer in another US WEST toll area.

I believe this simple fix will eliminate any technical complications with E911 and/or local number portability within these calling areas. Although we recognize that there are many originating/terminating call scenarios between the four (4) toll areas. We believe the allocation of an NXX per toll area will clarify the understanding of how each of these particular call originating or terminating scenarios will be handled in the future. If you have any additional questions please feel free to call me at any time. I look forward to working with you in the implementation of our interconnection.

Sincerely,

Ron Schaible  
Vice President & General Manager

RS/tjl

*No One Else Has Our Connections*

**BMF**  
**Black Hills Fiber-Com**  
*No One Else Has Our Connections.*

[www.blackhillsfiber.com](http://www.blackhillsfiber.com)

809 Deadwood Ave Rapid City, SD 57702 Ph. 605-348-1701 Fax 605-342-1600

August 4<sup>th</sup>, 1999

Dave Chaplin  
US WEST  
925 High Street Rm 1-S-9  
Des Moines, IA 50309  
Fax 515-241-0024  
[dchapli@uswest.com](mailto:dchapli@uswest.com)

Re: Your August 3<sup>rd</sup> letter referencing our Interconnection Agreement

Dear Dave:

This letter is meant to provide additional clarification of how we planned to interconnect our network. Apparently, our respective interpretations of what we understood and the interpretation of the Interconnection Agreement are different. The issue that is set forth in your August 3<sup>rd</sup> letter relates to the Interconnection of facilities (trunks) to facilitate local calling area traffic.

My recollection and notes from our June 9<sup>th</sup> meeting are quite clear. We have in fact subscribed to 4 NXXs as we agreed to do on June 9<sup>th</sup>. We plan to use one (or more) NXX for each of the four (4) rate centers that US WEST currently has in our market area. The misunderstanding seems to be centered around the trunking interconnection for transporting traffic.

With respect to the provisions of the Interconnect Agreement, I believe your quotation is incomplete; As the Interconnect Agreement reads:

"...The Parties also will interconnect with each other in each and every local calling area in which the Parties originate Local Traffic so as to permit the interchange of such traffic. However, where multiple local calling areas are served by a single local tandem, the Parties will interconnect with each other at that local tandem for origination and termination of Local Traffic."

We agree that each of the Local Calling Areas in our market is served by a single SESS on a host-remote arrangement. The same paragraph goes on to say,

"...In addition to the interconnection described above, either Party may establish end office-to-end office or end office-to-tandem or tandem-to-tandem trunk groups. In the case of host-remote end offices interconnections:

1. for origination and termination of Local Traffic, shall occur at the location of the host or remote, at the option of the Party deploying the host-remote end office, without mileage charges if the host option is selected;..."

In this case, US WEST is the Party deploying the host-remote scenario for each of those tolling areas in US WEST and as such, US WEST has made the selection to interconnect at the host. Therefore, the call handling would be facilitated by the host. I believe that no additional interconnection trunking was planned or required by either Party which also coincides with my recollection and notes from our June 9<sup>th</sup> meeting. We did discuss these issues and I believe we agree on the resolution. Your recognition under item F, where inter trunking is used, indicates to me that you understand that this is an option under the terms of our Interconnect Agreement.

Given the host-remote architecture, the technical implementation, could not have been easier. The technical solution we planned is now implemented and working under our call through testing now in place. From this point forward it is an administrative and billing procedure.

I will certainly make myself available to discuss this matter at your earliest convenience.

Sincerely,

Ron Schnable  
Vice President & General Manager

enc: June 15<sup>th</sup>, 1989 letter

RS/tjl

*No One Else Has Our Connections*

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

IN THE MATTER OF THE APPLICATION OF ) BLACK HILLS FIBERCOM, L.L.C. FOR ) APPROVAL TO OFFER A DIFFERENT LOCAL ) CALLING AREA )	ORDER GRANTING APPROVAL TO OFFER A DIFFERENT CALLING AREA TC99-056
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On May 21, 1999, the South Dakota Public Utilities Commission (Commission) received an application from Black Hills FiberCom, L.L.C. (Black Hills). According to its application, Black Hills submitted the application pursuant to the provisions of ARSD 20:10:32:11, to provide a different local calling area than that which is provided by U S WEST Communications, Inc. (U S WEST).

On May 27, 1999, the Commission electronically transmitted notice of the filing and the intervention deadline of June 11, 1999, to interested individuals and entities. On June 11, 1999, U S WEST filed a Petition for Leave to Intervene. At its regularly scheduled June 22, 1999, meeting, the Commission granted U S WEST's request for intervention. On July 23, 1999, U S WEST filed Interrogatories and a Request for Production of Documents. Black Hills filed its response on August 25, 1999. At its regularly scheduled meeting of October 19, 1999, the Commission considered this matter. Black Hills explained its application. U S WEST stated that it did not oppose the granting of the application. Commission Staff recommended approval of the application.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 40-31 and ARSD 20:10:32:11. The Commission found that Black Hills had shown that the different calling area would not be contrary to universal service, public safety and welfare, quality of service, and consumer rights concerns. It is therefore

**ORDERED**, that the application of Black Hills for a different local calling area is hereby approved.

Dated at Pierre, South Dakota, this 29<sup>th</sup> day of October, 1999.

<b>CERTIFICATE OF SERVICE</b>
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>Hilaine Kolbo</u>
Date: <u>10/29/99</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