

In the Matter of IN THE MATTER OF THE
 ESTABLISHMENT OF SWITCHED
 ACCESS RATES FOR THE LOCAL
 EXCHANGE CARRIERS ASSOCIATION

Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
7/1 02	Filed and Docketed;
7/3 02	Weekly Filings;
7/15 02	Communications Petition to Intervene;
8/7 02	Order Granting Petition to Intervene; Order Assessing Filing Fee;
8/26 02	Notice of Appearance and Request for Service;
9/6 02	Att. Request for Access to Confidential Information;
12/20 02	Supporting Data;
5/30 03	Revised Pages of Tariff No. 1;
7/11 03	Motion to Dismiss and Motion for Extension of Time to Respond to ^{Second Discovery Request;}
7/14 03	Order Approving Tariff Revisions;
7/24 03	Intervenors Brief in Resistance to Motion to Dismiss and ^{Extension of Time;} Motion to ^{Dismiss and}
8/8 03	Notice of Intent to Preside and Order for Summary Judgment; ^{Order Extending Time for Response;} Order for ^{Notice of Hearing;}
8/14 03	Affidavit of Leg. Sumpton;
8/18 03	Response of Companies Named in Above Order to Affidavit of Leg. Sumpton;
9/9 03	Final Decision and Order Granting Motion to Dismiss on Summary ^{Notice of Entry} Disposal;
11/3 03	Revised Rates;
11/6 03	Revised Pages of Tariff No. 1;
11/13 03	Order Approving Rate Revisions;
11/13 03	Docket Closed.

LOCAL
EXCHANGE
CARRIERS
ASSOCIATION

~~TC02-090~~
South
Dakota

June 28, 2002

Ms. Debra Elofson
Executive Director
Public Utilities Commission
State of South Dakota
500 East Capitol
Pierre, SD 57501

RECEIVED

JUL 01 2002

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Ref: 6011

Dear Ms. Elofson:

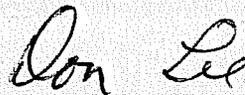
On behalf of its member companies, attached for filing with the Public Utilities Commission (Commission) are revised pages of the Local Exchange Carriers Association (LECA) Tariff No. 1. The purpose of these revisions is to implement changes in rates as necessitated by revisions in member companies' revenue requirements.

The revised rates are proposed to be effective upon PUC approval of the corresponding cost studies.

An original and eleven (11) copies are enclosed. All Interexchange Carriers "of Record" with the Commission will be notified of these revisions upon Commission approval of the rates.

We would appreciate your acknowledgment of receipt of this filing by return of one (1) copy appropriately received.

Sincerely,
Local Exchange Carriers Association



Don Lee, Tariff Coordinator

DL/wmh
Enclosures: Revised Tariff Pages
Cc: Craig Osvog
Ben Dickens
Brian Meyer
Rich Coit

TARIFF CHECKLIST
 All Pages Are Original Unless Otherwise Noted

<u>Page</u>	<u>Revision Number</u>	<u>Page</u>	<u>Revision Number</u>	<u>Page</u>	<u>Revision Number</u>
6-87		12-1		15-20	
6-88				15-21	
6-89		13-1		15-22	
6-90		13-2		15-23	
6-91		13-3		15-24	
6-92		13-4		16-1	
6-93		13-5		17-1	18th*
6-94		13-6		17-2	
6-95		13-7		17-3	1st
6-96	1st	13-8		17-4	18th*
6-97		13-9		17-5	
6-98		13-10		17-6	
6-99	1st	13-11		17-7	
6-100		13-12		17-8	
6-101		13-13	2nd	17-9	
6-102	1st	13-14	1st	17-10	
6-103	1st	13-15	1st	17-11	
6-104	1st	13-16	1st	17-12	
6-105	1st	13-17		17-13	
6-106		13-18	1st	17-14	
6-107				17-15	
6-108	1st	14-1		17-16	
6-109	1st			17-17	
		15-1		17-18	
7-1		15-2		17-19	
		15-3		17-20	
8-1		15-4		18-1	5th
8-2		15-5		18-1.1	2nd
8-3		15-6		18-2	3rd
8-4		15-7		18-2.1	2nd
		15-8		18-3	2nd
9-1		15-9		18-4	1st
		15-10		18-5	5th
10-1		15-11		18-5.1	1st
10-2		15-12		18-6	5th
10-3		15-13		18-6.1	3rd
10-4		15-14		18-7	4th
10-5		15-15		18-7.1	2nd
		15-16		18-8	6th
11-1		15-17		18-9	5th
11-2		15-18			
		15-19			

* New This Issue

Issued: June 28, 2002

Effective: Upon PUC Approval of the
 Corresponding Cost Studies

By: **Craig Osvog**
 President
 P.O. Box 588
 Brookings, SD 57006

ACCESS SERVICE

17. Rates and Charges

17.1 Common Line Access Service

17.1.1 Carrier Common Line Access Service

Rate

Regulations concerning Carrier Common Line Access are set forth in Section 3. preceding.

Access

- | | | | |
|---|-------------------------------|----------|-----|
| - | Originating Per Access Minute | \$0.0435 | (I) |
| - | Terminating Per Access Minute | \$0.0570 | (I) |

17.1.2 Reserved for Future Use

ACCESS SERVICE

17. Rates and Charges (Cont'd)17.2 Switched Access Service17.2.1 Nonrecurring Charges

	<u>Rate</u>
(A) <u>Local Transport Element - Installation Per Line or Trunk</u>	\$295.00
(B) <u>Reserved for Future Use</u>	
(C) <u>Interim NXX Translation Per Order</u>	\$181.00
Per LATA or Market Area	

17.2.2 Traffic SensitiveLocal Switching (End Office)

Per Access Minute	Originating	\$0.0196	(I)
Per Access Minute	Terminating	\$0.0256	(I)

Local Transport

Per Access Minute	\$0.0373	(I)
-------------------	----------	-----

Network Blocking Per Blocked Call

Applies to FGD only	\$0.0271
---------------------	----------

8XX Data Base Query Service

Per Query	
Basic	\$0.0079
Vertical Feature	\$0.0082

Issued: June 28, 2002

Effective: Upon PUC Approval of the
Corresponding Cost StudiesBy: Craig Osvog
President
P.O. Box 588
Brookings, SD 57006

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of June 27, 2002 through July 3, 2002

**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 report. Phone:
605-773-3705 Fax: 605-773-3809**

CONSUMER COMPLAINTS

**CE02-002 In the Matter of the Complaint filed by Tanya Stahl, Huron, South Dakota,
against NorthWestern Public Service Company Regarding Denied Service.**

Complainant states that after moving into her residence, she requested service to be placed in her name. She was told by NorthWestern that it refuses to provide service to her because the former occupant had an outstanding balance with NorthWestern. Complainant states that she was told by NorthWestern that it had a voice recorded conversation where Complainant stated her roommate Chris was moving out so she needed service in her name. Complainant denies making this statement. Complaint requests that NorthWestern be required to connect her service, pay for any damages which were caused by the lack of service, and also to provide a copy of the voice recorded conversation.

Staff Analyst: Mary Healy
Staff Attorney: Kelly Frazier
Date Docketed: 07/03/02
Intervention Deadline: N/A

**CT02-024 In the Matter of the Complaint filed by Dennis Sever, Administrator, on
behalf of Bethany Lutheran Home, Sioux Falls, South Dakota, against
McLeodUSA Telecommunications Services, Inc. Regarding Contract and
Billing Dispute.**

Complainant's representative states that in 2001, that it updated the facility to have high speed internet DSL service. McLeodUSA could not offer this service to the facility, so the Complainant changed its provider to Ionex. By switching to Ionex, the Complainant was also able to receive lower long distance rates than what it received from McLeodUSA. Complainant's representative states that it was told it should be released from the McLeodUSA contract under stipulation #6 "Most Favored Customer" in its contract with McLeodUSA. The Ionex representative then told the Complainant to write a letter of termination to McLeodUSA. Complainant was then double billed from McLeodUSA and Ionex for long distance calls and also assessed a termination fee from McLeodUSA. Complainant has since received notification from McLeodUSA that it has a credit balance and still owes a termination fee. Complainant's representative requests that McLeodUSA release it from any termination fees and pay Complaint \$2,511.42 for the double billings.

Staff Analyst: Mary Healy

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of June 27, 2002 through July 3, 2002

**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 report. Phone:
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Staff Analyst: Mary Healy

Requirement for Beresford Municipal Telephone Company.

On June 27, 2002, Beresford Municipal Telephone Company, Beresford, South Dakota, filed a switched access cost study developing a revenue requirement and minutes of use that are included in the revenue requirement and minutes of use used to determine the switched access rates for the Local Exchange Carrier Association.

Staff Analyst: Harlan Best
Staff Attorney: Karen Cremer
Date Docketed: 06/27/02
Intervention Deadline: 07/19/02

TC02-081 In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and New Edge Network, Inc. d/b/a New Edge Networks.

On June 27, 2002, the Commission received for approval a Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation (Qwest) and New Edge Network, Inc. d/b/a New Edge Networks. According to the parties, the Amendment is made in order to add to the Agreement the terms, conditions and rates for Private Line to Unbundled Loop Conversions, as set forth in Exhibit A to the Amendment. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than July 17, 2002. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier
Date Docketed: 06/27/02
Initial Comments Due: 07/17/02

TC02-082 In the Matter of the Filing by 1-800-RECONEX, Inc. for Approval of its Switched Access Tariff and Rates.

On May 31, 2002, 1-800-RECONEX, (Reconex) Inc. filed an Access Tariff with the Commission. Although Reconex is not yet providing service in the state of South Dakota, they currently provide service in other states via total service resale (TSR.) Reconex now intends to provide service through TSR and unbundled network element platform (UNE-P.)

Staff Analyst: Michele Farris
Staff Attorney: Kelly Frazier
Date Docketed: 06/28/02
Intervention Deadline: 07/19/02

TC02-083 In the Matter of the Filing for Approval of an Adoption Agreement between Qwest Corporation and VP Telecom, Inc.

On July 1, 2002, the Commission received for approval a Filing of Wireline Adoption Interconnection Agreement and ISP Amendment to Agreement between VP Telecom (Telecom) and Qwest Corporation (Qwest). According to the parties, Telecom chooses to adopt, in its entirety, the terms and conditions of the Interconnection Agreement and any associated amendments, if applicable, between Sprint Communications Company and Qwest f/k/a US West Communications, Inc. which was approved by the Commission on November 13, 2001, in Docket No. TC01-151. The filing also includes an ISP Bound Traffic Amendment to the Interconnection Agreement between Telecom and Qwest to change the definitions of "Bill and Keep," "Information Service" and "Information Service Access." Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than July 22, 2002. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier

Date Docketed: 07/01/02

Initial Comments Due: 07/22/02

TC02-084 In the Matter of the Petition of Black Hills FiberCom, L.L.C. for a Declaratory Ruling Regarding ARSD 20:10:32:11 and Alternative Petition for Approval of an Amendment to Black Hills FiberCom, L.L.C.'s Local Calling Area Pursuant to ARSD 20:10:32:11.

Black Hills FiberCom, L.L.C. (FiberCom) has filed a Petition for Declaratory Ruling Regarding Application of ARSD § 20:10:32:11 and Alternative Petition for Approval of an Amendment to Black Hills FiberCom, L.L.C.'s Local Calling Exchange Area Pursuant to ARSD § 20:10:32:11. In its Petition for Declaratory Ruling, FiberCom requests that the Commission find that FiberCom does not need to obtain Commission approval prior to FiberCom charging its customers for utilizing non-network ISP services through Rapid City telephone numbers attached to PRIs purchased from Qwest. If the Commission determines that FiberCom must obtain approval, then FiberCom requests that the Commission approve the proposed amendment to FiberCom's local calling plan.

Staff Attorney: Rolayne Ailts Wiest

Date Docketed: 07/01/02

Intervention Deadline: 07/11/02

TC02-085 In the Matter of the Establishment of Switched Access Rates for Qwest Corporation.

On July 1, 2002, Qwest Corporation filed a switched access cost study "in accordance with ARSD 20:10:27:07....Qwest Corporation is not asking for the Commission to change the switched access rate schedules at this time."

Staff Analyst: Heather Forney

Staff Attorney: Karen Cremer

Date Docketed: 07/01/02

Intervention Deadline: 07/19/02

TC02-086 In the Matter of the Establishment of Switched Access Rates for Fort Randall Telephone Company and Mt. Rushmore Telephone Company.

On July 1, 2002, the Fort Randall Telephone Company and Mount Rushmore Telephone Company filed a switched access cost study developing a revenue requirement and minutes of use that are included in the revenue requirement and minutes of use used to determine the switched access rates for the Local Exchange Carrier Association.

Staff Analyst: Heather Forney
Staff Attorney: Karen Cremer
Date Docketed: 07/01/02
Intervention Deadline: 07/19/02

TC02-087 In the Matter of the Establishment of Switched Access Rates for DTG Community Telephone.

On July 1, 2002, Dakota Community Telephone, Irene, South Dakota, filed a switched access cost study pursuant to the rules established by the Commission.

Staff Analyst: Harlan Best
Staff Attorney: Karen Cremer
Date Docketed: 07/01/02
Intervention Deadline: 07/19/02

TC02-088 In the Matter of the Establishment of Switched Access Revenue Requirement for Roberts County Telephone Cooperative Association and RC Communications, Inc.

On July 1, 2002, Roberts County Telephone Cooperative Association and RC Communications, Inc., New Effington, South Dakota, filed a switched access cost study developing a revenue requirement and minutes of use that are included in the revenue requirement and minutes of use used to determine the switched access rates for the Local Exchange Carrier Association.

Staff Analyst: Keith Senger
Staff Attorney: Karen Cremer
Date Docketed: 07/01/02
Intervention Deadline: 07/19/02

TC02-089 In the Matter of the Establishment of Switched Access Revenue Requirement for Tri-County Telcom, Inc.

On July 1, 2002, Tri- County Telcom, Inc., Emery, South Dakota, filed a switched access cost study developing a revenue requirement and minutes of use that are included in the revenue

requirement and minutes of use used to determine the switched access rates for the Local Exchange Carrier Association.

Staff Analyst: Keith Senger
Staff Attorney: Karen Cremer
Date Docketed: 07/01/02
Intervention Deadline: 07/19/02

TC02-090 In the Matter of the Establishment of Switched Access Rates for the Local Exchange Carriers Association.

On July 1, 2002, the Local Exchange Carriers Association (LECA) filed revised switched access tariff pages. The purpose of these revisions is to implement changes in rates as necessitated by revisions in member companies' revenue requirements and access minutes of use.

Staff Analyst: Harlan Best
Staff Attorney: Karen Cremer
Date Docketed: 07/01/02
Intervention Deadline: 07/19/02

TC02-091 In the Matter of the Establishment of Switched Access Rates for South Dakota Network, LLC.

On July 1, 2002, South Dakota Network, LLC (SDN) filed a switched access separations study, pursuant to the rules of the Commission. Revised pages to the SDN Tariff were filed to implement the change in revenue requirement.

Staff Analyst: Harlan Best
Staff Attorney: Karen Cremer
Date Docketed: 07/01/02
Intervention Deadline: 07/19/02

**You may receive this listing and other PUC publications via our website or via internet e-mail.
You may subscribe or unsubscribe to the PUC mailing lists at <http://www.state.sd.us/puc>**

KENNETH E. BARKER*

MICHAEL A. WILSON†

MICHAEL P. REYNOLDS**

JOHN W. BURKE***

BARKER WILSON REYNOLDS & BURKE
L A W Y E R S

4200 BEACH DRIVE
P.O. BOX 9335
RAPID CITY, SD 57709-9335
605.343.6400 • FAX: 605.343.4841

117 5TH AVENUE
P.O. BOX 100
BELLE FOURCHE, SD 57717-0100
605.892.2743 • FAX: 605.892.4273

REPLY TO: BELLE FOURCHE OFFICE

July 12, 2002

RECEIVED

JUL 15 2002

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Debra Elofson
Executive Director
Public Utilities Commission
State Capitol
500 East Capitol
Pierre, SD 57501

Re: S&S Communciations v. Union Telephone Company TC02-077
S&S Communications v. Bridgewater-Canistota Independent
Telephone Company TC02-078
S&S Communications v. Kennebec Telephone Company TC02-079
S&S Communications v. Beresford Municipal Telephone Company TC02-080
S&S Communications v. Fort Randall Telephone Company and Mt. Rushmore
Telephone Company TC02-086
S&S Communications v. Roberts County Telephone Cooperative Association and
RC Communications, Inc. TC02-088
S&S Communications v. Tri-County Telcom, Inc. TC02-089
S&S Communications v. Local Exchange Carriers Association TC02-090
S&S Communications v. South Dakota Network, L.L.C. TC02-091

Dear Debra:

Enclosed please find the original and ten copies of each of the following listed documents for filing in the above-referenced matters:

1. In the Matter of the Establishment of Switched Access Rates for the Union Telephone Company - S&S Communications'Petition to Intervene;
2. In the Matter of the Establishment of Switched Access Revenue Requirement for Bridgewater-Canistota Independent Telephone Company - S&S Communications'Petition to Intervene;
3. In the Matter of the Establishment of Switched Access Revenue Requirement for Kennebec Telephone Company - S&S Communications'Petition to Intervene;
4. In the Matter of the Establishment of Switched Access Revenue Requirement for Beresford Municipal Telephone Company - S&S Communications'Petition to Intervene;

5. In the Matter of the Establishment of Switched Access Revenue Requirement for Fort Randall Telephone Company and Mt. Rushmore Telephone Company - S&S Communications' Petition to Intervene;
6. In the Matter of the Establishment of Switched Access Revenue Requirement for Roberts County Telephone Cooperative Association and RC Communications, Inc. - S&S Communications' Petition to Intervene;
7. In the Matter of the Establishment of Switched Access Revenue Requirement for Tri-County Telcom, Inc. - S&S Communications' Petition to Intervene;
8. In the Matter of the Establishment of Switched Access Rates for Local Exchange Carriers Association - S&S Communications' Petition to Intervene; and,
9. In the Matter of the Establishment of Switched Access Rates for South Dakota Network, L.L.C. - S&S Communications' Petition to Intervene.

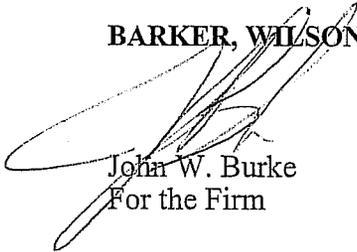
By copies of this letter, copies of the same are being served upon the opposing parties via first class mail.

If you have any questions, please feel free to give me a call at any time.

Best regards.

Sincerely,

BARKER, WILSON, REYNOLDS & BURKE, L.L.P.



John W. Burke
For the Firm

JWB/bb

Enclosures

cc: S&S Communications
Don Lee
Wendel Aanerud
Rick Freeman
Richard Freemark
Rod Bowar
Wayne Akland
John Coleman
Bruce Hanson
Pamela Harrington
Jim Ekstrand
Craig Osvog
Bryan Roth

investigation. For example, there may be certain costs included that are ineligible because they have already been recovered, or are being recovered through other mechanisms.

5. In addition to the fact that the Commission's decision will directly and immediately affect the pecuniary interests of S&S Communications, the Commission's decision will directly and immediately affect the customers of switched access services in general.

WHEREFORE, S&S Communications respectfully requests leave to intervene in the above-captioned matter.

Dated this 12th day of July, 2002.

BARKER, WILSON, REYNOLDS & BURKE, L.L.P.
Attorneys for S&S Communications

By: 

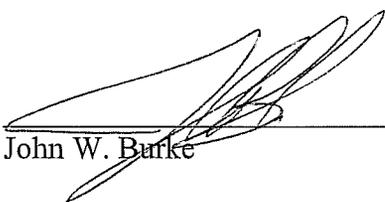
John W. Burke
117 5th Avenue
P.O. Box 100
Belle Fourche, SD 57717-0100
Tel: (605) 723-8000
Fax: (605) 723-8010

CERTIFICATE OF SERVICE

I, John W. Burke, hereby certify that on the 12th day of July, 2002, I caused a copy of the foregoing **S&S COMMUNICATIONS' PETITION TO INTERVENE** to be served upon:

Don Lee, Director of Settlements
Martin Group, Inc.
1515 North Sanborn Boulevard
Mitchell, SD 57301-1021

Craig Osvog, President
LECA
P.O. Box 588
Brookings, SD 57006


John W. Burke

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

IN THE MATTER OF THE ESTABLISHMENT	)	ORDER GRANTING
OF SWITCHED ACCESS RATES FOR THE	)	PETITION TO INTERVENE;
LOCAL EXCHANGE CARRIERS ASSOCIATION	)	ORDER ASSESSING FILING
	)	FEE
	)	TC02-090

On July 1, 2002, the Local Exchange Carriers Association (LECA) filed for approval by the Public Utilities Commission (Commission) revised pages of its LECA Tariff No. 1. The purpose of these revisions is to implement changes in rates as necessitated by revisions in member companies' revenue requirements and access minutes of use.

On July 3, 2002, the Commission electronically transmitted notice of the filing and the intervention deadline of July 19, 2002, to interested individuals and entities. On July 15, 2002, the Commission received a Petition to Intervene from S&S Communications (S&S).

SDCL 49-31-12.6 authorizes the Commission to require a deposit of up to one hundred thousand dollars (\$100,000) in the South Dakota Public Utilities Commission's (SDPUC) regulatory assessment fee fund to defray Commission expenses incident to analyzing and ruling upon this type of filing.

The Commission has jurisdiction over this matter pursuant to SDCL 1-26-17.1, 49-1A-9, 49-31-12.6, 49-31-18, 49-31-19 and ARSD 20:10:01:15.02, 20:10:01:15.05, 20:10:27:07 and 20:10:27:08.

On July 23, 2002, at its regularly scheduled meeting, the Commission found that S&S' Petition to Intervene was timely filed and demonstrates good cause to grant intervention. Further, the Commission, pursuant to SDCL 49-31-12.6, unanimously voted to assess LECA a \$1,000 filing fee, subject to additional amounts as requested by the Executive Director up to the statutory limit of \$100,000. It is therefore

ORDERED, that S&S' Petition to Intervene is granted; and it is further

ORDERED, that LECA shall deposit an initial assessment of \$1,000 in the SDPUC regulatory assessment fee fund and shall deposit any additional amounts as requested by the Executive Director up to the statutory limit of \$100,000.

Dated at Pierre, South Dakota, this 7th day of August, 2002.

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><i>William Kelbo</i></u>
Date: <u><i>8/7/02</i></u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Robert K. Sahr *by dk*
ROBERT K. SAHR, Commissioner

August 9, 2002

Ms. Deb Elofson
Executive Director
Public Utilities Commission
State of South Dakota
500 East Capitol
Pierre, SD 57501

RECEIVED

AUG 12 2002

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Dear Ms. Elofson:

On behalf of Local Exchange Carriers Association, Martin Group, Inc. requests confidentiality for any and all information provided to the South Dakota Public Utilities Commission (PUC) pertaining to Docket TC02-090.

In accordance with rules ARSD 20:10:01:39 through 20:10:01:45(1), we request all information filed concerning Docket TC02-090 be considered confidential including, but not limited to, the following:

- Rate development, including associated exhibits and workpapers
- Any correspondence transmittal letters which include responses to questions concerning the filing which are directed to the South Dakota Public Utilities Commission with reference to the Local Exchange Carriers Association, TC02-090 tariff filing.
- Any and all responses to PUC staff data requests.

This request applies to any previously sent information provided to the South Dakota Public Utilities Commission as well as any forthcoming information to be provided to the South Dakota Public Utilities Commission which pertains to this particular filing.

In accordance with rule ARSD 20:10:01:41(2)

It is requested that the aforementioned information maintain confidentiality status for a five-year time frame.

In accordance with rule ARSD 20:10:01:41(3)

The contact for the confidentiality request is as follows:

Don Lee
General Manager, Business Services

Martin Group, Inc.
1515 North Sanborn Boulevard
Mitchell, SD 57301
(605) 995-2573

If you should have any questions regarding the information provided, please feel free to contact me at (605) 995-2573.

Sincerely,
Martin Group, Inc.

Don Lee by John Hohrman

Don Lee
General Manager, Business Services

DL/JH

cc: Mr. Harlan Best, Utility Analyst, South Dakota Public Utilities Commission
Ms. Heather Forney, Utility Analyst, South Dakota Public Utilities Commission
Mr. Keith Senger, Utility Analyst, South Dakota Public Utilities Commission
Mr. Craig Osvog
Mr. Brian Meyer

RECEIVED

AUG 26 2002

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE ESTABLISH-
MENT OF SWITCHED ACCESS REVE-
NUE REQUIREMENT FOR LOCAL EX-
CHANGE CARRIERS ASSOCIATION

Docket No. TC02-90

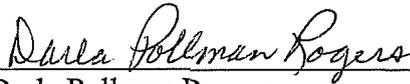
NOTICE OF APPEARANCE AND
REQUEST FOR SERVICE

NOTICE OF APPEARANCE AND
REQUEST FOR SERVICE OF DOCUMENTS

NOTICE IS HEREBY GIVEN that Darla Pollman Rogers, of Meyer & Rogers, P. O. Box 1117, Pierre, South Dakota 57501, hereby appears on behalf of LOCAL EXCHANGE CARRIERS ASSOCIATION in the above-entitled docket for all purposes allowed by the rules.

You are requested to serve copies of any and all documents filed in said docket on the undersigned.

DATED this 26th day of August, 2002.



Darla Pollman Rogers
Meyer & Rogers
P. O. Box 1117
Pierre, South Dakota 57501
Attorney for LECA

KENNETH E. BARKER¹

MICHAEL A. WILSON¹

MICHAEL P. REYNOLDS²

JOHN W. BURKE³

JEFFERY D. COLLINS

BARKER WILSON REYNOLDS & BURKE
LAWYERS

www.courtroomcounselors.com

REPLY TO: BELLE FOURCHE OFFICE

September 4, 2002

4200 BEACH DRIVE
P.O. BOX 9335
RAPID CITY, SD 57709-9335
605.718.8000 • FAX: 605.718.8010

211 ZINNIA STREET
P.O. BOX 100
BELLE FOURCHE, SD 57717-0100
605.723.8000 • FAX: 605.723.8010

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SEP 06 2002

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Debra Elofson
Executive Director
Public Utilities Commission
State Capitol
500 East Capitol
Pierre, SD 57501

Re: S&S Communciations' Request for Access to Confidential Information

Dear Debra:

Enclosed please find the original and ten copies of each of *S&S Communications' Request for Access to Confidential Information* regarding the following for filing in the above-referenced matter.

1. In the Matter of the Establishment of Switched Access Revenue Requirement for Baltic Telecom Cooperative - TC02-071;
2. In the Matter of the Establishment of Switched Access Revenue Requirement for Beresford Municipal Telephone Company - TC02-080;
3. In the Matter of the Establishment of Switched Access Revenue Requirement for Bridgewater-Canistota Independent Telephone Company - TC02-078;
4. In the Matter of the Establishment of Switched Access Revenue Requirement for Brookings Municipal Telephone Company- TC02-076;
5. In the Matter of the Establishment of Switched Access Revenue Requirement for East Plains Telecom, Inc. - TC02-072;
6. In the Matter of the Establishment of Switched Access Revenue Requirement for Fort Randall Telephone Company and Mt. Rushmore Telephone Company - TC02-086;
7. In the Matter of the Establishment of Switched Access Revenue Requirement for Interstate Telecommunication Cooperative, Inc. - TC02-053;
8. In the Matter of the Establishment of Switched Access Revenue Requirement for Kennebec Telephone Company - TC02-079;
9. In the Matter of the Establishment of Switched Access Revenue Requirement for Local Exchange Carriers Association - TC02-090;
10. In the Matter of the Establishment of Switched Access Revenue Requirement for McCook Cooperative Telephone Company - TC02-068;
11. In the Matter of the Establishment of Switched Access Revenue Requirement for Midstate Communications, Inc. - TC02-067;

12. In the Matter of the Establishment of Switched Access Revenue Requirement for Sanborn Telephone Cooperative and SANCOM, Inc. - TC02-073;
13. In the Matter of the Establishment of Switched Access Revenue Requirement for Sioux Valley Telephone Company - TC02-058;
14. In the Matter of the Establishment of Switched Access Revenue Requirement for South Dakota Network, L.L.C. - TC02-091;
15. In the Matter of the Establishment of Switched Access Revenue Requirement for Splitrock Properties, Inc. - TC02-065;
16. In the Matter of the Establishment of Switched Access Revenue Requirement for Splitrock Telecom Cooperative, Inc. - TC02-066;
17. In the Matter of the Establishment of Switched Access Revenue Requirement for Sully Buttes Telephone Cooperative, Inc. - TC02-064;
18. In the Matter of the Establishment of Switched Access Revenue Requirement for Tri-County Telcom, Inc. - TC02-089;
19. In the Matter of the Establishment of Switched Access Revenue Requirement for Union Telephone Company - TC02-077;
20. In the Matter of the Establishment of Switched Access Revenue Requirement for Valley Telecommunications Cooperative Association - TC02-074;
21. In the Matter of the Establishment of Switched Access Revenue Requirement for Vivian Telephone Company - TC02-054;
22. In the Matter of the Establishment of Switched Access Revenue Requirement for West River Cooperative Telephone Company - TC02-052.

By copies of this letter, copies of the same are being served upon the opposing parties via first class mail.

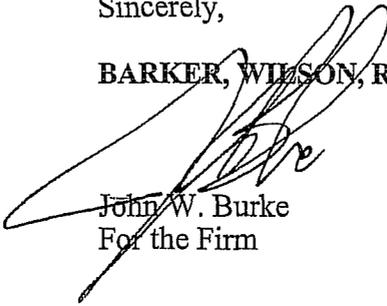
By this letter, I would also request that I be advised that if any of the above entities did not request confidential treatment of their submissions as required by A.R.S.D. 20:10:01:41.

If you have any questions, please feel free to give me a call at any time.

Best regards.

Sincerely,

BARKER, WILSON, REYNOLDS & BURKE, L.L.P.



John W. Burke
For the Firm

JWB/bb

Enclosures

cc: S&S Communications
Darla Pollman Rogers
Michael Bradley (Fort Randall documents only)
Richard Helsper (Brookings documents only)

RECEIVED

SEP 06 2002

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

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

)	
	)	TC02-090
IN THE MATTER OF THE ESTABLISHMENT OF)	
SWITCHED ACCESS REVENUE REQUIREMENT	)	S&S COMMUNICATIONS'
FOR LOCAL EXCHANGE CARRIERS	)	REQUEST FOR ACCESS
ASSOCIATION	)	TO CONFIDENTIAL
	)	INFORMATION
)	

COMES NOW S&S Communications, by and through its attorney, John W. Burke, and, in accordance with A.R.S.D. 20:10:01:43, hereby requests access to confidential information.

This request is based upon the following.

1. The South Dakota Public Utilities Commission granted S&S Communications' request to intervene in the above-captioned matter.

2. On July 26, 2002, S&S Communications served Intervenor's Discovery Requests, which included requests for the following:

REQUEST NO. 1: Please provide copies, as well as an electronic version of, any and all documents that you submitted and/or provided to the South Dakota Public Utilities Commission in connection with this matter, including, but not limited to, any switched access cost study(ies).

REQUEST NO. 2: Please provide copies, as well as an electronic version of, any and all documents that support and/or provide foundation for, any switched access cost study that you submitted and/or provided to the South Dakota Public Utilities Commission in connection with this matter.

REQUEST NO. 3: Please provide copies, as well as an electronic version of, any and all documents that you submitted and/or provided to the South Dakota Public Utilities Commission in response to any and all data requests issued by the South Dakota Public Utilities Commission subsequent to the commencement of this matter.

3. Thirty-one days after the above-referenced Requests had been served, Local Exchange Carriers Association responded to the above Requests as follows:

(Response to REQUEST NO. 1):

LECA objects to this Request. Reasons for Objection: LECA objects to providing the requested information to Intervenor at this time because said information has been submitted to the Commission as proprietary in nature and constituting trade secrets of the company, pursuant to the Commission's confidentiality rules. Accordingly, said information is not subject to discovery outside of the procedures set forth in said rules.

(Response to REQUEST NO. 2):

LECA objects to this request. Reasons for Objection: (1) The request is overly broad, vague, and production as requested would be unduly burdensome and work a hardship on LECA; (2) the information requested goes beyond what is of record in this docket; and (3) some or all of the documents that support the switched access cost study may be proprietary in nature and constitute trade secrets of LECA, and there is no protective order in place to protect the proprietary nature of these documents. Prior to discovery of such information, the Commission's confidentiality rules would need to be followed.

(Response to REQUEST NO. 3):

LECA objects to this request. Reasons for Objection: LECA objects to providing the requested information to Intervenor at this time because said information has been submitted to the Commission as proprietary in nature and constituting trade secrets of the company, pursuant to the Commission's confidentiality rules. Accordingly, said information is not subject to discovery outside of the procedures set forth in said rules.

4. Any increase of the rates charged for switched access services will directly and immediately affect the pecuniary interests of S&S Communications as it will naturally affect S&S Communications' operating expenses. However, without access to the above-described documents, S&S Communications cannot meaningfully participate in this important proceeding.

WHEREFORE, S&S Communications respectfully requests access to the above-described documents which are claimed to be confidential information.

Dated this 4th day of September, 2002.

BARKER, WILSON, REYNOLDS & BURKE, L.L.P.
Attorneys for S&S Communications

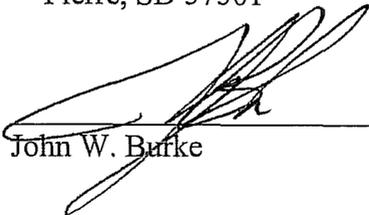
By: 

John W. Burke
117 5th Avenue
P.O. Box 100
Belle Fourche, SD 57717-0100
Tel: (605) 723-8000
Fax: (605) 723-8010

CERTIFICATE OF SERVICE

I, John W. Burke, hereby certify that on the 4th day of September, 2002, I caused a copy of the foregoing **S&S COMMUNICATIONS' REQUEST FOR ACCESS TO CONFIDENTIAL INFORMATION** to be served upon:

Darla Pollman Rogers
Meyer & Rogers
P.O. Box 1117
Pierre, SD 57501


John W. Burke

TC02-090

LOCAL	<i>South Dakota</i>
EXCHANGE	
CARRIERS	
ASSOCIATION	

December 20, 2002

Mr. Harlan Best
Deputy Director
Public Utilities Commission
State of South Dakota
500 East Capitol
Pierre, SD 57501

RECEIVED

DEC 20 2002

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Ref: 6011

Dear Harlan:

On behalf of LECA member companies, attached is the supporting data regarding their proposed change in access rates to be effective upon PUC approval of the corresponding cost studies. The purpose of the rate revisions is due to the removal of the frozen factors as necessitated by revisions in member companies' revenue requirements. Cost studies have been filed with the PUC by the LECA member companies, which reflect this data.

If you have any questions or comments, please feel free to contact me at (605) 996-9646, Ext 637 or Marlene Bennett at (605) 995-2574.

Sincerely,
Martin Group, Inc.

Wendy Harper

WMH
Enclosures

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES TO BECOME EFFECTIVE UPON PUC APPROVAL OF COST STUDIES
(Includes New Data For Companies Filing 2001 Cost Studies)**

ACCESS ELEMENT	BALTIC TELECOM COOP.	BERESFORD MUNICIPAL TEL. CO.	BRIDGEWATER-CANISTOTA IND. TEL. CO.	BROOKINGS MUNICIPAL TELEPHONE	CHEYENNE RIVER SIOUX TRIBE TEL.	EAST PLAINS TELECOM	GOLDEN WEST TELECOM	INTERSTATE TELECOM. COOP. INC.	JAMES VALLEY	KENNEBEC TELEPHONE COMPANY
REVENUE REQUIREMENT										
Carrier Common Line	\$225,858	\$53,042	\$101,605	\$597,205	\$529,401	\$112,840	\$2,427,479	\$1,428,198	\$638,787	\$169,793
Local Switching	\$116,634	\$102,009	\$48,893	\$643,692	\$115,174	\$88,492	\$882,681	\$1,000,281	\$200,944	\$117,440
Transport	\$95,546	\$52,973	\$89,945	\$438,134	\$213,762	\$139,124	\$1,638,818	\$1,000,429	\$250,360	\$152,292
Total Revenue Req.	\$438,038	\$208,024	\$240,443	\$1,679,031	\$858,337	\$340,456	\$4,948,978	\$3,428,908	\$1,090,091	\$439,525
ORIGINATING ACCESS MINUTES										
Carrier Common Line	1,701,870	1,308,956	1,639,965	8,401,635	2,747,408	1,602,010	14,907,979	25,668,572	6,378,069	1,290,221
Local Switching	1,701,870	1,308,956	1,639,965	8,401,635	2,747,408	1,602,010	14,907,979	25,668,572	6,378,069	1,290,221
Transport	1,701,870	1,308,956	1,639,965	8,401,635	2,747,408	1,602,010	14,907,979	25,668,572	6,378,069	1,290,221
TERMINATING ACCESS MINUTES										
Carrier Common Line	2,025,327	1,605,511	1,565,481	17,306,138	1,064,793	2,183,436	21,539,955	15,394,106	4,362,207	1,160,561
Local Switching	2,025,327	1,605,511	1,565,481	17,306,138	1,064,793	2,183,436	21,539,955	15,394,106	4,362,207	1,160,561
Transport	2,025,327	1,605,511	1,565,481	17,306,138	1,064,793	2,183,436	21,539,955	15,394,106	4,362,207	1,160,561
TOTAL ACCESS MINUTES										
Carrier Common Line	3,727,197	2,914,467	3,205,446	25,707,773	3,812,201	3,785,446	36,447,934	41,062,678	10,740,276	2,450,782
Local Switching	3,727,197	2,914,467	3,205,446	25,707,773	3,812,201	3,785,446	36,447,934	41,062,678	10,740,276	2,450,782
Transport	3,727,197	2,914,467	3,205,446	25,707,773	3,812,201	3,785,446	36,447,934	41,062,678	10,740,276	2,450,782

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES TO BECOME EFFECTIVE UPON PUC APPROVAL OF COST STUDIES
(Includes New Data For Companies Filing 2001 Cost Studies)**

ACCESS ELEMENT	McCOOK COOP TEL. CO.	MIDSTATE COMM. INC.	MOBRIDGE TELECOM. COMPANY	RC COMM. & ROBERTS COUNTY	SANBORN TEL. & SANCOM	SIoux VALLEY TEL. CO.	SPLITROCK PROPERTIES INC.	SPLITROCK TELECOM. COOP. INC.	STOCKHOLM- STRANDBURG TEL. CO.	SULLY BUTTES TELEPHONE
REVENUE REQUIREMENT										
Carrier Common Line	\$196,472	\$790,205	\$173,122	\$475,020	\$791,249	\$544,060	\$139,633	\$298,629	\$86,791	\$1,603,450
Local Switching	\$268,429	\$296,274	\$41,900	\$123,459	\$180,921	\$269,957	\$90,491	\$156,325	\$65,866	\$765,474
Transport	\$534,104	\$523,945	\$175,789	\$271,441	\$487,061	\$294,534	\$183,991	\$174,949	\$121,454	\$1,757,141
Total Revenue Req.	\$999,005	\$1,610,424	\$390,811	\$869,920	\$1,459,231	\$1,108,551	\$414,115	\$629,903	\$274,111	\$4,126,065
ORIGINATING ACCESS MINUTES										
Carrier Common Line	3,221,042	5,238,508	2,041,006	1,896,849	6,894,217	6,775,082	2,178,637	3,406,689	856,973	19,967,089
Local Switching	3,221,042	5,238,508	2,041,006	1,896,849	6,894,217	6,775,082	2,178,637	3,406,689	856,973	19,967,089
Transport	3,221,042	5,238,508	2,041,006	1,896,849	6,894,217	6,775,082	2,178,637	3,406,689	856,973	19,967,089
TERMINATING ACCESS MINUTES										
Carrier Common Line	2,927,514	4,783,403	2,245,913	2,061,766	4,861,347	7,854,747	1,770,431	3,343,935	696,474	17,946,214
Local Switching	2,927,514	4,783,403	2,245,913	2,061,766	4,864,452	7,854,747	1,770,431	3,343,935	696,474	17,982,980
Transport	2,927,514	4,783,403	2,245,913	2,061,766	4,864,452	7,854,747	1,770,431	3,343,935	696,474	17,982,980
TOTAL ACCESS MINUTES										
Carrier Common Line	6,148,556	10,021,911	4,286,919	3,958,615	11,755,564	14,629,829	3,949,068	6,750,624	1,553,447	37,913,303
Local Switching	6,148,556	10,021,911	4,286,919	3,958,615	11,758,669	14,629,829	3,949,068	6,750,624	1,553,447	37,950,069
Transport	6,148,556	10,021,911	4,286,919	3,958,615	11,758,669	14,629,829	3,949,068	6,750,624	1,553,447	37,950,069

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
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ACCESS RATES TO BECOME EFFECTIVE UPON PUC APPROVAL OF COST STUDIES
(Includes New Data For Companies Filing 2001 Cost Studies)**

ACCESS ELEMENT	TRI - COUNTY TELCOM	UNION TELEPHONE COMPANY	VALLEY TELECOM COOP.	VIVIAN TELEPHONE COMPANY	W. RIVER COOP. TEL. (Bison,SD)	W. RIVER TELECOM (Hazen, ND)	WESTERN TELEPHONE COMPANY	TOTAL FOR LECA COST COMPANIES
REVENUE REQUIREMENT								
Carrier Common Line	\$28,741	\$179,168	\$680,379	\$2,215,617	\$601,906	\$145,293	\$137,926	\$15,371,869
Local Switching	\$62,097	\$61,079	\$125,915	\$1,134,437	\$0	\$32,125	\$108,007	\$7,098,996
Transport	\$150,226	\$144,192	\$520,029	\$1,188,050	\$335,342	\$17,122	\$80,731	\$11,031,484
Total Revenue Req.	\$241,064	\$384,439	\$1,326,323	\$4,538,104	\$937,248	\$194,540	\$326,664	\$33,502,349
ORIGINATING ACCESS MINUTES								
Carrier Common Line	774,230	1,392,461	4,370,527	24,017,247	5,012,908	633,095	1,364,934	155,688,179
Local Switching	774,230	1,392,461	4,370,527	24,017,247	5,012,908	633,095	1,364,934	155,688,179
Transport	774,230	1,392,461	4,370,527	24,017,247	5,012,908	633,095	1,364,934	155,688,179
TERMINATING ACCESS MINUTES								
Carrier Common Line	238,812	1,416,842	4,634,558	22,090,294	2,671,423	930,600	1,717,530	150,399,318
Local Switching	238,812	1,416,842	4,634,558	22,090,294	2,671,423	930,600	1,717,530	150,439,189
Transport	238,812	1,416,842	4,634,558	22,090,294	2,671,423	930,600	1,717,530	150,439,189
TOTAL ACCESS MINUTES								
Carrier Common Line	1,013,042	2,809,303	9,005,085	46,107,541	7,684,331	1,563,695	3,082,464	306,087,497
Local Switching	1,013,042	2,809,303	9,005,085	46,107,541	7,684,331	1,563,695	3,082,464	306,127,368
Transport	1,013,042	2,809,303	9,005,085	46,107,541	7,684,331	1,563,695	3,082,464	306,127,368

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES TO BECOME EFFECTIVE UPON PUC APPROVAL OF COST STUDIES
(Includes New Data For Companies Filing 2001 Cost Studies)**

**DATA PERTAINING TO ALL COST COMPANIES IN
STATE WITH LESS THAN 100,000 ACCESS LINES:**

<u>REVENUE REQUIREMENT</u>	<u>LECA MEMBER COMPANIES</u>	<u>DAKOTA</u>	<u>FT. RANDALL TEL. & MT. RUSHMORE TEL.</u>	<u>TOTAL</u>	<u>MINUTES</u>	<u>STATEWIDE AVERAGE ACCESS RATE</u>
CARRIER COMMON LINE	\$15,371,869	\$1,311,506	\$520,462	\$17,203,837	342,158,984	\$0.0503
LOCAL SWITCHING	\$7,098,996	\$548,259	\$398,722	\$8,045,977	342,198,855	\$0.0235
TRANSPORT	\$11,031,484	\$1,040,126	\$220,753	\$12,292,363	342,198,855	\$0.0359
TOTALS	\$33,502,349	\$2,899,891	\$1,139,937	\$37,542,177		\$0.1097

ACCESS MINUTES

CARRIER COMMON LINE	306,087,497	19,132,863	16,938,624	342,158,984
LOCAL SWITCHING	306,127,368	19,132,863	16,938,624	342,198,855
TRANSPORT	306,127,368	19,132,863	16,938,624	342,198,855

<u>EXEMPT LECA MEMBER COS.</u>	<u>INTRASTATE ACCESS MINUTES</u>			<u>REVENUE REQUIREMENTS BY ELEMENT</u>			
	<u>CARRIER COMMON LINE</u>	<u>LOCAL SWITCHING</u>	<u>TRANSPORT</u>	<u>CARRIER COMMON LINE</u>	<u>LOCAL SWITCHING</u>	<u>TRANSPORT</u>	<u>TOTAL</u>
ARMOUR	1,965,728	1,965,728	1,965,728	\$98,876	\$46,195	\$70,570	\$215,641
FAITH MUNICIPAL	1,030,806	1,030,806	1,030,806	\$51,850	\$24,224	\$37,006	\$113,080
JEFFERSON	1,384,017	1,384,017	1,384,017	\$69,616	\$32,524	\$49,686	\$151,826
TOTAL	4,380,551	4,380,551	4,380,551	\$220,342	\$102,943	\$157,262	\$480,547

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
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ACCESS RATES TO BECOME EFFECTIVE UPON PUC APPROVAL OF COST STUDIES
(Includes New Data For Companies Filing 2001 Cost Studies)**

ACCESS ELEMENT	ARMOUR INDEPEND. TELEPHONE	BALTIC TELECOM COOP.	BERESFORD MUNICIPAL TEL. CO.	BRIDGEWATER-CANISTOTA IND. TEL. CO.	BROOKINGS MUNICIPAL TELEPHONE	CHEYENNE RIVER SIOUX TRIBE TEL.	EAST PLAINS TELECOM	FAITH MUNICIPAL TELEPHONE	GOLDEN WEST TELECOM	INTERSTATE TELECOM. COOP. INC.
REVENUE REQUIREMENT										
Carrier Common Line	\$98,876	\$225,858	\$53,042	\$101,605	\$597,205	\$529,401	\$112,840	\$51,850	\$2,427,479	\$1,428,198
Local Switching	\$46,195	\$116,634	\$102,009	\$48,893	\$643,692	\$115,174	\$88,492	\$24,224	\$882,681	\$1,000,281
Transport	\$70,570	\$95,546	\$52,973	\$89,945	\$438,134	\$213,762	\$139,124	\$37,006	\$1,638,818	\$1,000,429
Total Revenue Req.	\$215,641	\$438,038	\$208,024	\$240,443	\$1,679,031	\$858,337	\$340,456	\$113,080	\$4,948,978	\$3,428,908
ORIGINATING ACCESS MINUTES										
Carrier Common Line	866,374	1,701,870	1,308,956	1,639,965	8,401,635	2,747,408	1,602,010	387,319	14,907,979	25,668,572
Local Switching	866,374	1,701,870	1,308,956	1,639,965	8,401,635	2,747,408	1,602,010	387,319	14,907,979	25,668,572
Transport	866,374	1,701,870	1,308,956	1,639,965	8,401,635	2,747,408	1,602,010	387,319	14,907,979	25,668,572
TERMINATING ACCESS MINUTES										
Carrier Common Line	1,099,354	2,025,327	1,605,511	1,565,481	17,306,138	1,064,793	2,183,436	643,487	21,539,955	15,394,106
Local Switching	1,099,354	2,025,327	1,605,511	1,565,481	17,306,138	1,064,793	2,183,436	643,487	21,539,955	15,394,106
Transport	1,099,354	2,025,327	1,605,511	1,565,481	17,306,138	1,064,793	2,183,436	643,487	21,539,955	15,394,106
TOTAL ACCESS MINUTES										
Carrier Common Line	1,965,728	3,727,197	2,914,467	3,205,446	25,707,773	3,812,201	3,785,446	1,030,806	36,447,934	41,062,678
Local Switching	1,965,728	3,727,197	2,914,467	3,205,446	25,707,773	3,812,201	3,785,446	1,030,806	36,447,934	41,062,678
Transport	1,965,728	3,727,197	2,914,467	3,205,446	25,707,773	3,812,201	3,785,446	1,030,806	36,447,934	41,062,678

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES TO BECOME EFFECTIVE UPON PUC APPROVAL OF COST STUDIES
(Includes New Data For Companies Filing 2001 Cost Studies)**

ACCESS ELEMENT	JAMES VALLEY	JEFFERSON TELEPHONE COMPANY	KENNEBEC TELEPHONE COMPANY	McCOOK COOP TEL. CO.	MIDSTATE COMM. INC.	MOBRIDGE TELECOM. COMPANY	RC COMM. & ROBERTS COUNTY	SANBORN TEL. & SANCOM	SIOUX VALLEY TEL. CO.	SPLITROCK PROPERTIES INC.
REVENUE REQUIREMENT										
Carrier Common Line	\$638,787	\$69,616	\$169,793	\$196,472	\$790,205	\$173,122	\$475,020	\$791,249	\$544,060	\$139,633
Local Switching	\$200,944	\$32,524	\$117,440	\$268,429	\$296,274	\$41,900	\$123,459	\$180,921	\$269,957	\$90,491
Transport	\$250,360	\$49,686	\$152,292	\$534,104	\$523,945	\$175,789	\$271,441	\$487,061	\$294,534	\$183,991
Total Revenue Req.	\$1,090,091	\$151,826	\$439,525	\$999,005	\$1,610,424	\$390,811	\$869,920	\$1,459,231	\$1,108,551	\$414,115
ORIGINATING ACCESS MINUTES										
Carrier Common Line	6,378,069	639,279	1,290,221	3,221,042	5,238,508	2,041,006	1,896,849	6,894,217	6,775,082	2,178,637
Local Switching	6,378,069	639,279	1,290,221	3,221,042	5,238,508	2,041,006	1,896,849	6,894,217	6,775,082	2,178,637
Transport	6,378,069	639,279	1,290,221	3,221,042	5,238,508	2,041,006	1,896,849	6,894,217	6,775,082	2,178,637
TERMINATING ACCESS MINUTES										
Carrier Common Line	4,362,207	744,738	1,160,561	2,927,514	4,783,403	2,245,913	2,061,766	4,861,347	7,854,747	1,770,431
Local Switching	4,362,207	744,738	1,160,561	2,927,514	4,783,403	2,245,913	2,061,766	4,864,452	7,854,747	1,770,431
Transport	4,362,207	744,738	1,160,561	2,927,514	4,783,403	2,245,913	2,061,766	4,864,452	7,854,747	1,770,431
TOTAL ACCESS MINUTES										
Carrier Common Line	10,740,276	1,384,017	2,450,782	6,148,556	10,021,911	4,286,919	3,958,615	11,755,564	14,629,829	3,949,068
Local Switching	10,740,276	1,384,017	2,450,782	6,148,556	10,021,911	4,286,919	3,958,615	11,758,669	14,629,829	3,949,068
Transport	10,740,276	1,384,017	2,450,782	6,148,556	10,021,911	4,286,919	3,958,615	11,758,669	14,629,829	3,949,068

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES TO BECOME EFFECTIVE UPON PUC APPROVAL OF COST STUDIES
(Includes New Data For Companies Filing 2001 Cost Studies)**

ACCESS ELEMENT	SPLITROCK TELECOM. COOP. INC.	STOCKHOLM-STRANDBURG TEL. CO.	SULLY BUTTES TELEPHONE	TRI - COUNTY TELCOM	UNION TELEPHONE COMPANY	VALLEY TELECOM COOP.	VIVIAN TELEPHONE COMPANY	W. RIVER COOP. TEL. (Bison, SD)	W. RIVER TELECOM (Hazen, ND)	WESTERN TELEPHONE COMPANY
REVENUE REQUIREMENT										
Carrier Common Line	\$298,629	\$86,791	\$1,603,450	\$28,741	\$179,168	\$680,379	\$2,215,617	\$601,906	\$145,293	\$137,926
Local Switching	\$156,325	\$65,866	\$765,474	\$62,097	\$61,079	\$125,915	\$1,134,437	\$0	\$32,125	\$108,007
Transport	\$174,949	\$121,454	\$1,757,141	\$150,226	\$144,192	\$520,029	\$1,188,050	\$335,342	\$17,122	\$80,731
Total Revenue Req.	\$629,903	\$274,111	\$4,126,065	\$241,064	\$384,439	\$1,326,323	\$4,538,104	\$937,248	\$194,540	\$326,664
ORIGINATING ACCESS MINUTES										
Carrier Common Line	3,406,689	856,973	19,967,089	774,230	1,392,461	4,370,527	24,017,247	5,012,908	633,095	1,364,934
Local Switching	3,406,689	856,973	19,967,089	774,230	1,392,461	4,370,527	24,017,247	5,012,908	633,095	1,364,934
Transport	3,406,689	856,973	19,967,089	774,230	1,392,461	4,370,527	24,017,247	5,012,908	633,095	1,364,934
TERMINATING ACCESS MINUTES										
Carrier Common Line	3,343,935	696,474	17,946,214	238,812	1,416,842	4,634,558	22,090,294	2,671,423	930,600	1,717,530
Local Switching	3,343,935	696,474	17,982,980	238,812	1,416,842	4,634,558	22,090,294	2,671,423	930,600	1,717,530
Transport	3,343,935	696,474	17,982,980	238,812	1,416,842	4,634,558	22,090,294	2,671,423	930,600	1,717,530
TOTAL ACCESS MINUTES										
Carrier Common Line	6,750,624	1,553,447	37,913,303	1,013,042	2,809,303	9,005,085	46,107,541	7,684,331	1,563,695	3,082,464
Local Switching	6,750,624	1,553,447	37,950,069	1,013,042	2,809,303	9,005,085	46,107,541	7,684,331	1,563,695	3,082,464
Transport	6,750,624	1,553,447	37,950,069	1,013,042	2,809,303	9,005,085	46,107,541	7,684,331	1,563,695	3,082,464

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES TO BECOME EFFECTIVE UPON PUC APPROVAL OF COST STUDIES
(Includes New Data For Companies Filing 2001 Cost Studies)**

ACCESS ELEMENT	TOTAL FOR LECA MEMBER COMPANIES
-------------------	---------------------------------------

REVENUE REQUIREMENT

Carrier Common Line	\$15,592,211
Local Switching	\$7,201,939
Transport	<u>\$11,188,746</u>
Total Revenue Req.	\$33,982,896

**ORIGINATING
ACCESS MINUTES**

Carrier Common Line	157,581,151
Local Switching	157,581,151
Transport	157,581,151

**TERMINATING
ACCESS MINUTES**

Carrier Common Line	152,886,897
Local Switching	152,926,768
Transport	152,926,768

**TOTAL
ACCESS MINUTES**

Carrier Common Line	310,468,048
Local Switching	310,507,919
Transport	310,507,919

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES TO BECOME EFFECTIVE UPON PUC APPROVAL OF COST STUDIES
(Includes New Data For Companies Filing 2001 Cost Studies)**

ACCESS ELEMENT	TOTAL FOR ALL LECA MEMBERS	RATE PER ORIG. AND TERM. MIN.	PERCENT TO TOTAL	ORIGINATING ACCESS RATE	ORIGINATING ACCESS REVENUE	NET TERMINATING REV. REQ.	TERMINATING ACCESS RATE
----------------	----------------------------	-------------------------------	------------------	-------------------------	----------------------------	---------------------------	-------------------------

REVENUE REQUIREMENT

Carrier Common Line	\$15,592,211		68.4044%	\$0.0436	\$6,870,538	\$8,721,673	\$0.0570
Local Switching	\$7,201,939		<u>31.5956%</u>	\$0.0202	\$3,183,139	\$4,018,800	\$0.0263
Transport	<u>\$11,188,746</u>	\$0.0361					
Totals	\$33,982,896		100.0000%	\$0.0638			

ORIGINATING ACCESS MINUTES

Carrier Common Line	157,581,151
Local Switching	157,581,151
Transport	157,581,151

ORIGINATING ACCESS RATES / MOU	TERMINATING ACCESS RATES / MOU
--------------------------------	--------------------------------

CARRIER COMMON LINE	\$0.0436	\$0.0570
LOCAL SWITCHING	\$0.0202	\$0.0263
TRANSPORT	<u>\$0.0361</u>	<u>\$0.0361</u>
TOTAL	<u>\$0.0999</u>	<u>\$0.1194</u>

TERMINATING ACCESS MINUTES

Carrier Common Line	152,886,897
Local Switching	152,926,768
Transport	152,926,768

LOCAL

EXCHANGE

CARRIERS

ASSOCIATION

South
Dakota

May 30, 2003

VIA EMAIL: Pam.Bonrud@state.sd.us & U.S. Mail
Ms. Pam Bonrud
Executive Director
Public Utilities Commission
State of South Dakota
500 East Capitol
Pierre, SD 57501

RECEIVED

JUN 02 2003

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

090
Ref: TC02-070

Elec.
~~EX~~ Received MAY 30 2003

Dear Ms. Bonrud:

On behalf of its member companies, attached for filing with the Public Utilities Commission (Commission) are revised pages of the Local Exchange Carriers Association (LECA) Tariff No. 1 (Attachment 1). The purpose of these revisions is to implement changes in rates as necessitated by revisions in member companies' revenue requirements and also to reflect a few minor textual changes.

Under state statute (SDCL 49-13-12.2) the revised rates included in the attached tariff pages are proposed to be effective July 1, 2003 and are calculated in the attached spreadsheet (Attachment 2). The table below shows each of the current and the proposed rates by rate element and by jurisdiction.

Access Rates:	Current Access Rates Effective 2/2/2002		Access Rates Proposed to become Effective on July 1, 2003	
	Originating	Terminating	Originating	Terminating
Carrier Common Line	\$0.0342	\$0.0474	\$0.0420	\$0.0554
Local Switching	\$0.0168	\$0.0231	\$0.0197	\$0.0258
Local Transport	<u>\$0.0332</u>	<u>\$0.0332</u>	<u>\$0.0356</u>	<u>\$0.0356</u>
Total	<u>\$0.0842</u>	<u>\$0.1037</u>	<u>\$0.0973</u>	<u>\$0.1168</u>

The total increase in the combined annual revenue requirement is \$2,783,580, which equals an average increase per access minute of \$.0131 for each of the interexchange carriers.

All Interexchange Carriers "of Record" with the Commission are being notified of these revisions through a memo addressed and mailed by U.S. Mail to them today along with copies of the attached tariff pages. (Attachment 3 Certificate Service)

We have included a duplicate copy of this letter and would appreciate your acknowledgment of receipt of this filing by return of the copy appropriately received.

Sincerely,
Local Exchange Carriers Association

A handwritten signature in cursive script that reads "Marlene Bennett".

Marlene Bennett, Tariff Coordinator

Enclosures

Cc: Craig Osvog
Ben Dickens
Darla Rogers
Rich Coit

RECEIVED

JUN 02 2003

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

ATTACHMENT 1

PUC FILING

LOCAL EXCHANGE CARRIERS ASSOCIATION TELECOMMUNICATIONS SERVICES CLASSIFICATION FORM

- 1) Requested Classification: Non-Competitive
 Emerging Competitive
 Fully Competitive
- 2) This service will be offered: Intrastate, IntraLATA
 Intrastate, InterLATA
 Interstate
- 3) Description and Purpose of Filing: This filing is to implement the changes in rates
 as necessitated by revisions in member
 companies' revenue requirements and also to
 reflect a few minor textual changes.
- 4) Impact: There is no consumer impact.
- 5) Effective Date: Proposed July 1, 2003

TARIFF CHECKLIST
All Pages Are Original Unless Otherwise Noted

<u>Page</u>	<u>Revision Number</u>	<u>Page</u>	<u>Revision Number</u>	<u>Page</u>	<u>Revision Number</u>
6-87		12-1		15-20	
6-88				15-21	
6-89		13-1		15-22	
6-90		13-2		15-23	
6-91		13-3		15-24	
6-92		13-4		16-1	
6-93		13-5		17-1	19th*
6-94		13-6		17-2	
6-95		13-7		17-3	1st
6-96	1st	13-8		17-4	19th*
6-97		13-9		17-5	
6-98		13-10		17-6	
6-99	1st	13-11		17-7	
6-100		13-12		17-8	
6-101		13-13	2nd	17-9	
6-102	1st	13-14	1st	17-10	
6-103	1st	13-15	1st	17-11	
6-104	1st	13-16	1st	17-12	
6-105	1st	13-17		17-13	
6-106		13-18	1st	17-14	
6-107				17-15	
6-108	1st	14-1		17-16	
6-109	1st			17-17	
		15-1		17-18	
7-1		15-2		17-19	
		15-3		17-20	
8-1		15-4		18-1	5th
8-2		15-5		18-1.1	3rd*
8-3		15-6		18-2	3rd
8-4		15-7		18-2.1	2nd
		15-8		18-3	3rd*
9-1		15-9		18-4	1st
		15-10		18-5	6th*
10-1		15-11		18-5.1	1st
10-2		15-12		18-6	5th
10-3		15-13		18-6.1	3rd
10-4		15-14		18-7	5th*
10-5		15-15		18-7.1	3rd*
		15-16		18-8	6th
11-1		15-17		18-9	5th
11-2		15-18			
		15-19			

* New This Issue

Issued: May 30, 2003

Effective: Proposed July 1, 2003

By: Craig Osvog
President
P.O. Box 588
Brookings, SD 57006

ACCESS SERVICE

17. Rates and Charges

17.1 Common Line Access Service

17.1.1 Carrier Common Line Access Service

Rate

Regulations concerning Carrier Common Line Access are set forth in Section 3. preceding.

Access

- Originating Per Access Minute \$0.0420 (I)
- Terminating Per Access Minute \$0.0554 (I)

17.1.2 Reserved for Future Use

ACCESS SERVICE

17. Rates and Charges (Cont'd)17.2 Switched Access Service17.2.1 Nonrecurring Charges

	<u>Rate</u>
(A) <u>Local Transport Element - Installation Per Line or Trunk</u>	\$295.00
(B) <u>Reserved for Future Use</u>	
(C) <u>Interim NXX Translation Per Order</u>	\$181.00
Per LATA or Market Area	

17.2.2 Traffic SensitiveLocal Switching (End Office)

Per Access Minute	Originating	\$0.0197	(I)
Per Access Minute	Terminating	\$0.0258	(I)

Local Transport

Per Access Minute	\$0.0356	(I)
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Network Blocking Per Blocked Call

Applies to FGD only	\$0.0271
---------------------	----------

8XX Data Base Query Service

Per Query	
Basic	\$0.0079
Vertical Feature	\$0.0082

ACCESS SERVICE

18. Wire Center Information (Cont'd)

18.1 Qualifying Companies, Company Code, Name, and Address (Cont'd)

Code Number: 1642
Company Name: Alliance Communications Cooperative, Inc. (Baltic) (T)
Address: Box 307
Baltic, SD 57003

Code Number: 1647
Company Name: Cheyenne River Sioux Tribe Telephone Authority
Address: P.O. Box 810
Eagle Butte, SD 57625

Code Number: 1649
Company Name: Beresford Municipal Telephone Company
Address: 101 North Third Street
Beresford, SD 57004

Code Number: 1650
Company Name: City of Brookings Municipal Tel. Department
Address: PO Box 588
Brookings, SD 57006

Code Number: 1651
Company Name: Interstate Telecommunications Cooperative, Inc.
Address: P.O. Box 920
Clear Lake, SD 57226

Code Number: 1653
Company Name: City of Faith Telephone Company
Address: PO Box 368
Faith, SD 57626

Code Number: 1655
Company Name: Splitrock Properties, Inc.
Address: PO Box 349
Garretson, SD 57030

(D)
|
(D)

Code Number: 1657
Company Name: Alliance Communications Cooperative, Inc. (Splitrock) (T)
Address: P.O. Box 349
Garretson, SD 57030

ACCESS SERVICE

18. Wire Center Information (Cont'd)

18.1 Qualifying Companies, Company Code, Name and Address (Cont'd)

Code Number: 1676
Company Name: Santel Communications Cooperative, Inc.
Address: P.O. Box 67
Woonsocket, SD 57385

Code Number: 1677
Company Name: Sioux Valley Telephone Company
Address: P.O. Box 98
Dell Rapids, SD 57022

Code Number: 1679
Company Name: Stockholm-Strandburg Telephone Company
Address: P.O. Box 20
Stockholm, SD 57264

Code Number: 1680
Company Name: Venture Communications Cooperative, Inc.
Address: P.O. Box 157
Highmore, SD 57345

(T)

Code Number: 1682
Company Name: Tri-County Telcom, Inc.
Address: P.O. Box 304
Emery, SD 57332

Code Number: 1684
Company Name: Union Telephone Company
Address: 116 North Main
Hartford, SD 57033

Code Number: 1685
Company Name: Valley Telecommunications Coop. Assn., Inc.
Address: P.O. Box 7
Herreid, SD 57632

Code Number: 1686
Company Name: Vivian Telephone Company
Address: P.O. Box 411
Wall, SD 57790

ACCESS SERVICE

18. Wire Center (Exchanges) Information (Cont'd)

18.2 Qualifying Company Wire Centers

<u>Company Name</u>	<u>Exchange</u>	
Armour Independent Telephone Company	Armour	
Alliance Communications Cooperative, Inc. (Baltic)	Alcester	(T)(M)
	Baltic	(T)
	Crooks	
	Hudson	(M)
East Hudson, IA		(M)
Beresford Municipal Telephone Company	Beresford	
Bridgewater-Canistota Independent Telephone Company	Bridgewater	
	Canistota	
Cheyenne River Sioux Tribe Telephone Authority	Dupree	
	Eagle Butte	
	Isabel	
	La Plant	
	South Dupree	
City of Brookings Municipal Tel. Dept.	Brookings	
		(D) (M)
		(M)
City of Faith Telephone Company	Faith	

ACCESS SERVICE

18. Wire Center (Exchanges) Information (Cont'd)

18.2 Qualifying Company Wire Centers (Cont'd)

<u>Company Name</u>	<u>Exchange</u>	
Santel Communications Cooperative, Inc.	Alpena	
	Artesian	
	Ethan	
	Forestburg	
	Letcher	
	Mt. Vernon	
	Parkston	
	Tripp	
	Wolsey	
	Woonsocket	
Sioux Valley Telephone Company	Colton	
	Corsica	
	Dell Rapids	
	Humboldt/Montrose	
	Plankinton	
	Valley Springs	
Splitrock Properties, Inc.	Howard/Carthage	
	Oldham/Ramona	
Alliance Communications Cooperative, Inc. (Splitrock)	Brandon	(T)
	Garretson	(T)
	E. Garretson, MN	
Stockholm-Strandburg Telephone Company	Reville	
	South Shore	
	Stockholm	

ACCESS SERVICE

18. Wire Center (Exchanges) Information (Cont'd)18.2 Qualifying Company Wire Centers (Cont'd)

<u>Company Name</u>	<u>Exchange</u>	
Venture Communications Cooperative, Inc.	Blunt	Onida
	Bowdle	Pierpont
	Britton	Ree Heights
	North Britton, ND	Roscoe
	East Onida	Rosholt
	Gettysburg/Lebanon	Roslyn
	Harrold	Selby
	Highmore	Seneca
	Hitchcock	Sisseton
	Hoven	Tolstoy
	Langford	Tulare
	Onaka	Wessington
		Wessington Springs
		West Onida
Tri-County Telcom, Inc.	Clayton	
	Emery	
Union Telephone Company	Hartford	
	Wall Lake	
Valley Telecommunications Cooperative Assn., Inc.	Eureka	
	Glenham	
	Herreid	
	Hosmer	
	Ipswich	
	Leola	
	Long Lake	
	Mound City	
	Pollock	

(T)

ATTACHMENT 2

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES PROPOSED TO BECOME EFFECTIVE ON JULY 1, 2003
(Includes New Data For Companies Filing 2001 Cost Studies)**

ACCESS ELEMENT	BALTIC TELECOM COOP.	BERESFORD MUNICIPAL TEL. CO.	BRIDGEWATER-CANISTOTA IND. TEL. CO.	BROOKINGS MUNICIPAL TELEPHONE	CHEYENNE RIVER SIOUX TRIBE TEL.	EAST PLAINS TELECOM	GOLDEN WEST TELECOM	INTERSTATE TELECOM. COOP. INC.	JAMES VALLEY	KENNEBEC TELEPHONE COMPANY
REVENUE REQUIREMENT										
Carrier Common Line	\$221,636	\$52,876	\$101,615	\$591,715	\$529,401	\$111,193	\$2,427,479	\$1,248,098	\$638,787	\$169,414
Local Switching	\$114,300	\$101,747	\$49,008	\$632,009	\$115,174	\$87,638	\$882,681	\$950,269	\$200,944	\$117,418
Transport	\$93,296	\$52,653	\$89,952	\$436,074	\$213,762	\$136,760	\$1,638,818	\$985,410	\$250,360	\$151,865
Total Revenue Req.	\$429,232	\$207,276	\$240,575	\$1,659,798	\$858,337	\$335,591	\$4,948,978	\$3,183,777	\$1,090,091	\$438,697
ORIGINATING ACCESS MINUTES										
Carrier Common Line	1,701,870	1,308,956	1,639,965	8,401,635	2,747,408	1,602,010	14,907,979	25,668,572	6,378,069	1,290,221
Local Switching	1,701,870	1,308,956	1,639,965	8,401,635	2,747,408	1,602,010	14,907,979	25,668,572	6,378,069	1,290,221
Transport	1,701,870	1,308,956	1,639,965	8,401,635	2,747,408	1,602,010	14,907,979	25,668,572	6,378,069	1,290,221
TERMINATING ACCESS MINUTES										
Carrier Common Line	2,025,327	1,605,511	1,565,481	17,306,138	1,064,793	2,183,436	21,539,955	15,394,106	4,362,207	1,160,561
Local Switching	2,025,327	1,605,511	1,565,481	17,306,138	1,064,793	2,183,436	21,539,955	15,394,106	4,362,207	1,160,561
Transport	2,025,327	1,605,511	1,565,481	17,306,138	1,064,793	2,183,436	21,539,955	15,394,106	4,362,207	1,160,561
TOTAL ACCESS MINUTES										
Carrier Common Line	3,727,197	2,914,467	3,205,446	25,707,773	3,812,201	3,785,446	36,447,934	41,062,678	10,740,276	2,450,782
Local Switching	3,727,197	2,914,467	3,205,446	25,707,773	3,812,201	3,785,446	36,447,934	41,062,678	10,740,276	2,450,782
Transport	3,727,197	2,914,467	3,205,446	25,707,773	3,812,201	3,785,446	36,447,934	41,062,678	10,740,276	2,450,782

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES PROPOSED TO BECOME EFFECTIVE ON JULY 1, 2003
(Includes New Data For Companies Filing 2001 Cost Studies)**

ACCESS ELEMENT	McCOOK COOP TEL. CO.	MIDSTATE COMM. INC.	MOBRIDGE TELECOM. COMPANY	RC COMM. & ROBERTS COUNTY	SANBORN TEL. & SANCOM	SIOUX VALLEY TEL. CO.	SPLITROCK PROPERTIES INC.	SPLITROCK TELECOM. COOP. INC.	STOCKHOLM- STRANDBURG TEL. CO.	SULLY BUTTES TELEPHONE
REVENUE REQUIREMENT										
Carrier Common Line	\$218,347	\$784,806	\$173,122	\$430,925	\$771,937	\$523,656	\$136,371	\$283,674	\$86,791	\$1,590,672
Local Switching	\$255,913	\$293,191	\$41,900	\$119,710	\$178,430	\$271,705	\$88,645	\$147,919	\$65,866	\$752,748
Transport	\$524,126	\$517,682	\$175,789	\$362,898	\$476,179	\$268,212	\$179,290	\$164,119	\$121,454	\$1,739,470
Total Revenue Req.	\$998,386	\$1,595,679	\$390,811	\$913,533	\$1,426,546	\$1,063,573	\$404,306	\$595,712	\$274,111	\$4,082,890
ORIGINATING ACCESS MINUTES										
Carrier Common Line	3,221,042	5,238,508	2,041,006	1,896,849	6,894,217	6,775,082	2,178,637	3,406,689	856,973	19,967,089
Local Switching	3,221,042	5,238,508	2,041,006	1,896,849	6,894,217	6,775,082	2,178,637	3,406,689	856,973	19,967,089
Transport	3,221,042	5,238,508	2,041,006	1,896,849	6,894,217	6,775,082	2,178,637	3,406,689	856,973	19,967,089
TERMINATING ACCESS MINUTES										
Carrier Common Line	2,927,514	4,783,403	2,245,913	2,061,766	4,861,347	7,854,747	1,770,431	3,343,935	696,474	17,946,214
Local Switching	2,927,514	4,783,403	2,245,913	2,061,766	4,864,452	7,854,747	1,770,431	3,343,935	696,474	17,982,980
Transport	2,927,514	4,783,403	2,245,913	2,061,766	4,864,452	7,854,747	1,770,431	3,343,935	696,474	17,982,980
TOTAL ACCESS MINUTES										
Carrier Common Line	6,148,556	10,021,911	4,286,919	3,958,615	11,755,564	14,629,829	3,949,068	6,750,624	1,553,447	37,913,303
Local Switching	6,148,556	10,021,911	4,286,919	3,958,615	11,758,669	14,629,829	3,949,068	6,750,624	1,553,447	37,950,069
Transport	6,148,556	10,021,911	4,286,919	3,958,615	11,758,669	14,629,829	3,949,068	6,750,624	1,553,447	37,950,069

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES PROPOSED TO BECOME EFFECTIVE ON JULY 1, 2003
(Includes New Data For Companies Filing 2001 Cost Studies)**

ACCESS ELEMENT	TRI - COUNTY TELCOM	UNION TELEPHONE COMPANY	VALLEY TELECOM COOP.	VIVIAN TELEPHONE COMPANY	W. RIVER COOP. TEL. (Bison,SD)	W. RIVER TELECOM (Hazen, ND)	WESTERN TELEPHONE COMPANY	TOTAL FOR LECA COST COMPANIES
REVENUE REQUIREMENT								
Carrier Common Line	\$29,589	\$178,916	\$672,199	\$2,088,910	\$517,571	\$145,293	\$137,926	\$14,862,919
Local Switching	\$51,805	\$62,093	\$122,059	\$1,102,336	\$0	\$32,125	\$108,007	\$6,945,640
Transport	\$118,335	\$143,781	\$511,451	\$1,135,393	\$334,599	\$17,122	\$80,731	\$10,919,581
Total Revenue Req.	\$199,729	\$384,790	\$1,305,709	\$4,326,639	\$852,170	\$194,540	\$326,664	\$32,728,140
ORIGINATING ACCESS MINUTES								
Carrier Common Line	774,230	1,392,461	4,370,527	24,017,247	5,012,908	633,095	1,364,934	155,688,179
Local Switching	774,230	1,392,461	4,370,527	24,017,247	5,012,908	633,095	1,364,934	155,688,179
Transport	774,230	1,392,461	4,370,527	24,017,247	5,012,908	633,095	1,364,934	155,688,179
TERMINATING ACCESS MINUTES								
Carrier Common Line	238,812	1,416,842	4,634,558	22,090,294	2,671,423	930,600	1,717,530	150,399,318
Local Switching	238,812	1,416,842	4,634,558	22,090,294	2,671,423	930,600	1,717,530	150,439,189
Transport	238,812	1,416,842	4,634,558	22,090,294	2,671,423	930,600	1,717,530	150,439,189
TOTAL ACCESS MINUTES								
Carrier Common Line	1,013,042	2,809,303	9,005,085	46,107,541	7,684,331	1,563,695	3,082,464	306,087,497
Local Switching	1,013,042	2,809,303	9,005,085	46,107,541	7,684,331	1,563,695	3,082,464	306,127,368
Transport	1,013,042	2,809,303	9,005,085	46,107,541	7,684,331	1,563,695	3,082,464	306,127,368

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES PROPOSED TO BECOME EFFECTIVE ON JULY 1, 2003
(Includes New Data For Companies Filing 2001 Cost Studies)**

**DATA PERTAINING TO ALL COST COMPANIES IN
STATE WITH LESS THAN 100,000 ACCESS LINES:**

<u>REVENUE REQUIREMENT</u>	<u>LECA MEMBER COMPANIES</u>	<u>DAKOTA</u>	<u>FT. RANDALL TEL. & MT. RUSHMORE TEL.</u>	<u>TOTAL</u>	<u>MINUTES</u>	<u>STATEWIDE AVERAGE ACCESS RATE</u>
CARRIER COMMON LINE	\$14,862,919	\$1,090,287	\$716,295	\$16,669,501	341,346,449	\$0.0488
LOCAL SWITCHING	\$6,945,640	\$689,996	\$283,838	\$7,919,474	341,386,320	\$0.0232
TRANSPORT	\$10,919,581	\$401,235	\$117,348	\$11,438,164	341,386,320	\$0.0335
TOTALS	\$32,728,140	\$2,181,518	\$1,117,481	\$36,027,139		\$0.1055

ACCESS MINUTES

CARRIER COMMON LINE	306,087,497	23,716,891	11,542,061	341,346,449
LOCAL SWITCHING	306,127,368	23,716,891	11,542,061	341,386,320
TRANSPORT	306,127,368	23,716,891	11,542,061	341,386,320

<u>EXEMPT LECA MEMBER COS.</u>	<u>INTRASTATE ACCESS MINUTES</u>			<u>REVENUE REQUIREMENTS BY ELEMENT</u>			
	<u>CARRIER COMMON LINE</u>	<u>LOCAL SWITCHING</u>	<u>TRANSPORT</u>	<u>CARRIER COMMON LINE</u>	<u>LOCAL SWITCHING</u>	<u>TRANSPORT</u>	<u>TOTAL</u>
ARMOUR	1,965,728	1,965,728	1,965,728	\$95,928	\$45,605	\$65,852	\$207,385
FAITH MUNICIPAL	1,030,806	1,030,806	1,030,806	\$50,303	\$23,915	\$34,532	\$108,750
JEFFERSON	1,384,017	1,384,017	1,384,017	\$67,540	\$32,109	\$46,365	\$146,014
TOTAL	4,380,551	4,380,551	4,380,551	\$213,771	\$101,629	\$146,749	\$462,149

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES PROPOSED TO BECOME EFFECTIVE ON JULY 1, 2003
(Includes New Data For Companies Filing 2001 Cost Studies)**

ACCESS ELEMENT	ARMOUR INDEPEND. TELEPHONE	BALTIC TELECOM COOP.	BERESFORD MUNICIPAL TEL. CO.	BRIDGEWATER-CANISTOTA IND. TEL. CO.	BROOKINGS MUNICIPAL TELEPHONE	CHEYENNE RIVER SIOUX TRIBE TEL.	EAST PLAINS TELECOM	FAITH MUNICIPAL TELEPHONE	GOLDEN WEST TELECOM	INTERSTATE TELECOM. COOP. INC.
REVENUE REQUIREMENT										
Carrier Common Line	\$95,928	\$221,636	\$52,876	\$101,615	\$591,715	\$529,401	\$111,193	\$50,303	\$2,427,479	\$1,248,098
Local Switching	\$45,605	\$114,300	\$101,747	\$49,008	\$632,009	\$115,174	\$87,638	\$23,915	\$882,681	\$950,269
Transport	\$65,852	\$93,296	\$52,653	\$89,952	\$436,074	\$213,762	\$136,760	\$34,532	\$1,638,818	\$985,410
Total Revenue Req.	\$207,385	\$429,232	\$207,276	\$240,575	\$1,659,798	\$858,337	\$335,591	\$108,750	\$4,948,978	\$3,183,777
ORIGINATING ACCESS MINUTES										
Carrier Common Line	866,374	1,701,870	1,308,956	1,639,965	8,401,635	2,747,408	1,602,010	387,319	14,907,979	25,668,572
Local Switching	866,374	1,701,870	1,308,956	1,639,965	8,401,635	2,747,408	1,602,010	387,319	14,907,979	25,668,572
Transport	866,374	1,701,870	1,308,956	1,639,965	8,401,635	2,747,408	1,602,010	387,319	14,907,979	25,668,572
TERMINATING ACCESS MINUTES										
Carrier Common Line	1,099,354	2,025,327	1,605,511	1,565,481	17,306,138	1,064,793	2,183,436	643,487	21,539,955	15,394,106
Local Switching	1,099,354	2,025,327	1,605,511	1,565,481	17,306,138	1,064,793	2,183,436	643,487	21,539,955	15,394,106
Transport	1,099,354	2,025,327	1,605,511	1,565,481	17,306,138	1,064,793	2,183,436	643,487	21,539,955	15,394,106
TOTAL ACCESS MINUTES										
Carrier Common Line	1,965,728	3,727,197	2,914,467	3,205,446	25,707,773	3,812,201	3,785,446	1,030,806	36,447,934	41,062,678
Local Switching	1,965,728	3,727,197	2,914,467	3,205,446	25,707,773	3,812,201	3,785,446	1,030,806	36,447,934	41,062,678
Transport	1,965,728	3,727,197	2,914,467	3,205,446	25,707,773	3,812,201	3,785,446	1,030,806	36,447,934	41,062,678

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES PROPOSED TO BECOME EFFECTIVE ON JULY 1, 2003
(Includes New Data For Companies Filing 2001 Cost Studies)**

ACCESS ELEMENT	JAMES VALLEY	JEFFERSON TELEPHONE COMPANY	KENNEBEC TELEPHONE COMPANY	McCOOK COOP TEL. CO.	MIDSTATE COMM. INC.	MOBRIDGE TELECOM. COMPANY	RC COMM. & ROBERTS COUNTY	SANBORN TEL. & SANCOM	SIoux VALLEY TEL. CO.	SPLITROCK PROPERTIES INC.
REVENUE REQUIREMENT										
Carrier Common Line	\$638,787	\$67,540	\$169,414	\$218,347	\$784,806	\$173,122	\$430,925	\$771,937	\$523,656	\$136,371
Local Switching	\$200,944	\$32,109	\$117,418	\$255,913	\$293,191	\$41,900	\$119,710	\$178,430	\$271,705	\$88,645
Transport	\$250,360	\$46,365	\$151,865	\$524,126	\$517,682	\$175,789	\$362,898	\$476,179	\$268,212	\$179,290
Total Revenue Req.	\$1,090,091	\$146,014	\$438,697	\$998,386	\$1,595,679	\$390,811	\$913,533	\$1,426,546	\$1,063,573	\$404,306
ORIGINATING ACCESS MINUTES										
Carrier Common Line	6,378,069	639,279	1,290,221	3,221,042	5,238,508	2,041,006	1,896,849	6,894,217	6,775,082	2,178,637
Local Switching	6,378,069	639,279	1,290,221	3,221,042	5,238,508	2,041,006	1,896,849	6,894,217	6,775,082	2,178,637
Transport	6,378,069	639,279	1,290,221	3,221,042	5,238,508	2,041,006	1,896,849	6,894,217	6,775,082	2,178,637
TERMINATING ACCESS MINUTES										
Carrier Common Line	4,362,207	744,738	1,160,561	2,927,514	4,783,403	2,245,913	2,061,766	4,861,347	7,854,747	1,770,431
Local Switching	4,362,207	744,738	1,160,561	2,927,514	4,783,403	2,245,913	2,061,766	4,864,452	7,854,747	1,770,431
Transport	4,362,207	744,738	1,160,561	2,927,514	4,783,403	2,245,913	2,061,766	4,864,452	7,854,747	1,770,431
TOTAL ACCESS MINUTES										
Carrier Common Line	10,740,276	1,384,017	2,450,782	6,148,556	10,021,911	4,286,919	3,958,615	11,755,564	14,629,829	3,949,068
Local Switching	10,740,276	1,384,017	2,450,782	6,148,556	10,021,911	4,286,919	3,958,615	11,758,669	14,629,829	3,949,068
Transport	10,740,276	1,384,017	2,450,782	6,148,556	10,021,911	4,286,919	3,958,615	11,758,669	14,629,829	3,949,068

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
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ACCESS RATES PROPOSED TO BECOME EFFECTIVE ON JULY 1, 2003
(Includes New Data For Companies Filing 2001 Cost Studies)**

ACCESS ELEMENT	SPLITROCK TELECOM. COOP. INC.	STOCKHOLM-STRANDBURG TEL. CO.	SULLY BUTTES TELEPHONE	TRI - COUNTY TELCOM	UNION TELEPHONE COMPANY	VALLEY TELECOM COOP.	VIVIAN TELEPHONE COMPANY	W. RIVER COOP. TEL. (Bison,SD)	W. RIVER TELECOM (Hazen, ND)	WESTERN TELEPHONE COMPANY
REVENUE REQUIREMENT										
Carrier Common Line	\$283,674	\$86,791	\$1,590,672	\$29,589	\$178,916	\$672,199	\$2,088,910	\$517,571	\$145,293	\$137,926
Local Switching	\$147,919	\$65,866	\$752,748	\$51,805	\$62,093	\$122,059	\$1,102,336	\$0	\$32,125	\$108,007
Transport	\$164,119	\$121,454	\$1,739,470	\$118,335	\$143,781	\$511,451	\$1,135,393	\$334,599	\$17,122	\$80,731
Total Revenue Req.	\$595,712	\$274,111	\$4,082,890	\$199,729	\$384,790	\$1,305,709	\$4,326,639	\$852,170	\$194,540	\$326,664
ORIGINATING ACCESS MINUTES										
Carrier Common Line	3,406,689	856,973	19,967,089	774,230	1,392,461	4,370,527	24,017,247	5,012,908	633,095	1,364,934
Local Switching	3,406,689	856,973	19,967,089	774,230	1,392,461	4,370,527	24,017,247	5,012,908	633,095	1,364,934
Transport	3,406,689	856,973	19,967,089	774,230	1,392,461	4,370,527	24,017,247	5,012,908	633,095	1,364,934
TERMINATING ACCESS MINUTES										
Carrier Common Line	3,343,935	696,474	17,946,214	238,812	1,416,842	4,634,558	22,090,294	2,671,423	930,600	1,717,530
Local Switching	3,343,935	696,474	17,982,980	238,812	1,416,842	4,634,558	22,090,294	2,671,423	930,600	1,717,530
Transport	3,343,935	696,474	17,982,980	238,812	1,416,842	4,634,558	22,090,294	2,671,423	930,600	1,717,530
TOTAL ACCESS MINUTES										
Carrier Common Line	6,750,624	1,553,447	37,913,303	1,013,042	2,809,303	9,005,085	46,107,541	7,684,331	1,563,695	3,082,464
Local Switching	6,750,624	1,553,447	37,950,069	1,013,042	2,809,303	9,005,085	46,107,541	7,684,331	1,563,695	3,082,464
Transport	6,750,624	1,553,447	37,950,069	1,013,042	2,809,303	9,005,085	46,107,541	7,684,331	1,563,695	3,082,464

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
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ACCESS RATES PROPOSED TO BECOME EFFECTIVE ON JULY 1, 2003
(Includes New Data For Companies Filing 2001 Cost Studies)**

ACCESS ELEMENT	TOTAL FOR LECA MEMBER COMPANIES
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REVENUE REQUIREMENT

Carrier Common Line	\$15,076,690
Local Switching	\$7,047,269
Transport	<u>\$11,066,330</u>
Total Revenue Req.	\$33,190,289

**ORIGINATING
ACCESS MINUTES**

Carrier Common Line	157,581,151
Local Switching	157,581,151
Transport	157,581,151

**TERMINATING
ACCESS MINUTES**

Carrier Common Line	152,886,897
Local Switching	152,926,768
Transport	152,926,768

**TOTAL
ACCESS MINUTES**

Carrier Common Line	310,468,048
Local Switching	310,507,919
Transport	310,507,919

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES PROPOSED TO BECOME EFFECTIVE ON JULY 1, 2003
(Includes New Data For Companies Filing 2001 Cost Studies)**

ACCESS ELEMENT	TOTAL FOR ALL LECA MEMBERS	RATE PER ORIG. AND TERM. MIN.	PERCENT TO TOTAL	ORIGINATING ACCESS RATE	ORIGINATING ACCESS REVENUE	NET TERMINATING REV. REQ.	TERMINATING ACCESS RATE
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REVENUE REQUIREMENT

Carrier Common Line	\$15,076,690		68.1464%	\$0.0420	\$6,618,408	\$8,458,282	\$0.0554
Local Switching	\$7,047,269		<u>31.8536%</u>	\$0.0197	\$3,104,349	\$3,942,920	\$0.0258
Transport	<u>\$11,066,330</u>	\$0.0356					
Totals	\$33,190,289		100.0000%	\$0.0617			

ORIGINATING ACCESS MINUTES

Carrier Common Line	157,581,151
Local Switching	157,581,151
Transport	157,581,151

ORIGINATING ACCESS RATES / MOU	TERMINATING ACCESS RATES / MOU
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CARRIER COMMON LINE	\$0.0420	\$0.0554
LOCAL SWITCHING	\$0.0197	\$0.0258
TRANSPORT	<u>\$0.0356</u>	<u>\$0.0356</u>
TOTAL	<u>\$0.0973</u>	<u>\$0.1168</u>

TERMINATING ACCESS MINUTES

Carrier Common Line	152,886,897
Local Switching	152,926,768
Transport	152,926,768

ATTACHMENT 3

LOCAL

EXCHANGE

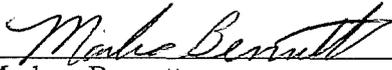
CARRIERS

ASSOCIATION

*South
Dakota*

CERTIFICATE OF SERVICE

I, Marlene Bennett, do hereby certify that I am the consultant for Local Exchange Carrier Association, (LECA), and on the 30th day of May, 2003, a true and correct copy of the Notice of Rate Increase together with attached revised tariff pages was served by United States first class mail, postage prepaid, to the interexchange carriers on the attached service list.



Marlene Bennett

Service List

3U Telecom, Inc.
Herve R. Andrieu
1802 N Carson Street, Suite 212-2683
Carson City, NV 89701

@link Networks, Inc.
Constance L. Kirkendall, Regulatory Manager
2220 Campbell Creek Blvd., Suite 110
Richardson, TX 75082

ACC National Long Distance Corporation d/b/a
Vista International Communications
Judith M. VanDruff, Tax Manager
400 West Avenue
Rochester, NY 14611

ACN Communication Services, Inc.
Caroline Roberts, Vice President
Business & Product Development
32991 Halilton Court
Farmington Hills, MI 48333

ACSI Local Switched Services, Inc.
d/b/a e.spire
Tabinda Riaz, Regulatory Affairs
131 National Business Parkway, Suite 100
Annapolis Junction, MD 20701-1001

Access One, Inc.
Mark A. Jozwiak, Vice President
820 W Jackson Blvd #6
Chicago, IL 60607-3026

Access Point, Inc.
Richard E. Brown, President
1100 Crescent Green, Suite 109
Cary, NC 27511

ACCXX Communications, LLC
Michael A. Conway
4035 Tampa Road, Suite 6000
Oldsmar, FL 34677

Adelphia Telecommunications, Inc.
Karen Wolfinger, Director of Paging and Long
Distance Services
One North Main Street
Coudersport, PA 16915

Affinity Network, Inc.
d/b/a QuantumLink Communications
also d/b/a HorizonOne Communications
Glenn Stockton, Chief Counsel
Tariff and Regulatory Affairs

3600 Wilshire Boulevard, 4th Floor
Los Angeles, CA 90010

Airnex Communications, Inc.
Diane Stanton, Director of Carrier Relations
3000 Executive Parkway, Suite 230
San Ramon, CA 94583

All-Star Acquisition Corporation
Christine Greene, President
1151 Seven Locks Road
Potomac, MD 20854

Alliance Group Services, Inc.
d/b/a U.S. Republic Communications, Inc.
Mark J. Thomas, President
1221 Post Road East
Westport, CT 06880

ALLTEL Communications, Inc.
Bob Priebe
One Allied Drive
Little Rock, AR 72202

Alticomm, Inc.
James Cornblatt, Director of Regulatory Affairs
115 Shawmut Road
Canton, MA 02021

AT&T Communications of the Midwest, Inc
Sandy Hofstetter, Assistant State Manager
10 River Park Plaza, 4th Floor
St. Paul, MN 55107

America's Digital Satellite Telephone
Yanilu Rondon
500 North Rainbow Boulevard, Suite 300
Las Vegas, NV 89107

American Long Lines, Inc.
Dennis Connor, Chief Financial Officer
700 Enterprise Drive, 2nd Floor
Horsham, PA 19044

American Telecommunications Systems, Inc.
4450 Belden Village Street, NW Ste 602
Canton, OH 44718

Americatel Corporation
Jorge Asecio, Chief Executive Officer
4045 N.W. 97th Avenue
Miami, FL 33178

Ameritech Communications International, Inc.
Amy Berlin, Project Administrator-Regulatory
5850 West Las Positas Blvd.

Pleasanton, CA 94588
AmeriVision Communications, Inc. d/b/a LifeLine Communications Carl Thompson, Sr. Vice President 5900 Mosteller Drive, Suite 1850 Oklahoma City OK 73112
Association Administrators, Inc. Kevin M. Klepper, President 180 East Main Street Smithtown, NY 11787
Associated Network Partners, Inc. Ted Hankins, Operations Manager 3220 Pleasant Run Springfield, IL 62707-6230
Atlas Communications, Ltd Mark Kelly, President 482 Norristown Road, Suite 200 Blue Bell, PA 19422
Avera Communications, L.L.C. Don Bierle, Esq. P O Box 38 Yankton, SD 57078
BAK Communications, Inc. Fred Kunik, Manager 1108 E. 17th Street Santa Ana, CA 92701
Bee Line Long Distance, LLC d/b/a Hello Telecom Elmo G. Beutler, Managing Member 255 South Orem Boulevard Orem, UT 84058
Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance John Broten, Director - Regulatory Group 1320 N Court House Road, 9th Floor Arlington, VA 22201
BellSouth Long Distance, Inc Mario L. Soto, Director 400 Perimeter Center Terrace, Suite 350 Atlanta, GA 30346
Better World Telecom, Inc. James Kenkfick, Chief Executive Officer 11951 Freedom Drive, 13th Floor Reston, VA 20190
Big Planet, Inc. Michael Anderson, Vice President 75 West Center Street Provo, UT 84601
Black Hill FiberCom, L.L.C.

John K. Nooney
P. O. Box 2115
Rapid City, SD 57709

Blackstone Communications Company
Luis Arias, President
11600 NW 34th Street
Miami, FL 33178

BroadWing Communications Services, Inc
Karen T. Hanson, National Director - Regulatory
Affairs
1122 Capital of Texas Highway South
Austin, TX 78746-6426

BroadWing Telecommunications, Inc.
Karen T. Hanson, National Director - Regulatory
Affairs
1122 Capital of Texas Highway South
Austin, TX 78746-6426

BT Communications Sales LLC
A. Sheba Chacko, Chief Regulatory Counsel
11911 Freedom Drive, 11th Floor
Reston, VA 20190

Budget Call Long Distance, Inc
Diane Peters, Director of Regulatory
1080 Pittsford Victor Road
Pittsford, NY 14534

Business Discount Plan, Inc.
Craig Konrad, Business Development
One World Trade Center, Suite #800
Long Beach, CA 90831

Business Network Long Distance, Inc.
Brian H. Curtiss, President
1400 Sixteenth Street, Suite 400
Denver, CO 80202

Business Telecom, Inc.
Barbara Greene, Regulatory Administrator
4300 Six Forks Road, Suite 500
Raleigh, NC 27609

Buyers United, Inc. d/b/a BuyersOnline and d/b/a
United Carrier Networks
Kimm Partridge
14870 South Pony Express Road
Bluffdale, UT 84065

Cable & Wireless USA, Inc.
DeMara Madison, Regulatory Compliance
Supervisor
8219 Leesburg Pike
Vienna, VA 22182

Caribbean Telephone and Telegraph, Inc

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July 11, 2003

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JUL 11 2003

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Re: 2001 Cost Study Dockets as follows:

TC02-087
TC02-078
TC02-080
TC02-071
TC02-089
TC02-064
TC02-072
TC02-053
TC02-079
TC02-090

Dear Pam:

You will find enclosed herein the original and ten copies of the MOTION TO DISMISS INTERVENOR AND MOTION FOR EXTENSION OF TIME for filing in the above-named 2001 cost study dockets in which S&S Communications intervened.

Sincerely yours,



Darla Pollman Rogers
Attorney at Law

DPR/ph

Enclosures

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

JUL 11 2003

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

IN THE MATTER OF THE ESTABLISHMENT OF SWITCHED ACCESS REVENUE REQUIREMENT FOR LOCAL EXCHANGE CARRIERS ASSOCIATION

Docket No. TC02-090
MOTION TO DISMISS AND MOTION FOR EXTENSION OF TIME TO RESPOND TO SECOND DISCOVERY REQUEST

LOCAL EXCHANGE CARRIERS ASSOCIATION (Company), through undersigned counsel, respectfully requests the Public Utilities Commission (Commission) to dismiss S&S Communications (S&S) as Intervenor in this proceeding, pursuant to ARSD 20:10:01:15.05, based on the reasons stated herein. Pending a hearing and ruling on the Motion to Dismiss, Company further requests an Extension of Time to Respond to Intervenor's Second Discovery Request, dated June 12, 2003.

A. Background

On or about June 18, 2002, Company filed its 2001 Intrastate Switched Access Cost Study for approval by the Commission. S&S petitioned to intervene in said docket on July 5, 2002, and S&S was granted intervention by the Commission on July 26, 2002.

In an ancillary proceeding, the Commission Staff opened a separate docket against S&S (TC02-166) that began as a Motion for an Order to Show Cause why S&S should not be found in violation of the Order Granting Certificate of Authority. This docket was commenced on September 27, 2002, and was followed by a series of additional motions from Staff and hearings in front of the Commission. On July 2, 2003, the Commission revoked S&S's Certificate of Authority to provide telecommunications services in South Dakota.

B. Argument for Dismissal of Petition to Intervene

The rules governing intervention are found in ARSD 20:10:01:15.02-05. ARSD 20:10:01:15.02 allows a person who is not an original party to a proceeding to petition to intervene if said person is one “who claims an interest in a pending proceeding.” The petition itself must “set out clearly and concisely the facts supporting the petitioner’s alleged interest in the proceeding,” as well as the position of the petitioner, to the extent known. (ARSD 20:10:01:15.03). The Commission is granted some discretion in acting upon a petition to intervene:

A petition to intervene shall be granted by the commission if the petitioner shows that the petitioner is specifically deemed by statute to be interested in the matter involved, that the petitioner is specifically declared by statute to be an interested party to the proceeding, or that by the outcome of the proceeding the petitioner will be bound and affected either favorably or adversely with respect to an interest peculiar to the petitioner as distinguished from an interest common to the public or the taxpayers in general. ARSD 20:10:01:15.05.

Thus, overall, while intervention is generally liberally granted by the Commission, the rules do require a showing of a peculiar interest in the outcome of the proceeding, in absence of a statutorily granted right of intervention.

S&S filed its Motions to Intervene in all of the Local Exchange Carriers’ (LEC) dockets in July of 2002. S&S did not point to any statutorily granted right to intervention, so the first part of ARSD 20:10:01:15.05 is inapplicable. S&S alleged that as a switch-based interexchange carrier, it must purchase certain switched access services from the LECs. As a purchaser of switched access services, S&S claimed that “any increase in the rates of such services will directly and immediately affect the pecuniary interests of S&S ... as it will naturally affect S&S[’s] ... operating expenses.” (S&S Petition to Intervene). S&S noted some general concerns with regard to ineligible costs being included as recoverable costs, and also that the Commission’s decision in the cost

study dockets would “affect the customers of switched access services in general.” (S&S Petition to Intervene).

In early August of 2002, the Commission “found that S&S’s Petition(s) to Intervene was timely filed and demonstrates good cause to grant intervention,” and entered an Order to that effect in each of the LECs’ cost study dockets.

At the time the Petitions were filed by S&S and the Orders granted by the Commission were entered, the facts and application of the rules no doubt supported S&S’s intervention. Since that time, however, the facts have changed. As a result of the Commission’s Order of July 2, 2003, revoking S&S’s Certificate of Authority, S&S no longer has any pecuniary interest in the outcome of the cost study dockets. The change of facts is apparent:

1. S&S is no longer a switch-based interexchange carrier, and S&S no longer provides intrastate and interstate message telecommunications services to its subscribers.
2. S&S no longer purchases switched access services from LECs.
3. Because S&S no longer purchases switched access services from LECs, any increase in rates will not have any effect on S&S’s pecuniary interests or on its operating expenses.

Therefore, S&S can no longer demonstrate that “by the outcome of the proceeding [it] will be bound and affected either favorably or adversely with respect to an interest peculiar to the petitioner . . .” (ARSD 20:10:01:15.05). S&S will not be affected by the outcome of the cost study dockets at all, as it is no longer in business.

S&S’s general allegation of interest based upon the “important and complex issues” that arise in tariff filing is insufficient to establish the level of interest re-

quired under the rules to grant and maintain intervenor status, nor is S&S's claimed interest based on the direct and immediate effect of switched access services on customers in general sufficient to sustain intervenor status. In fact, ARSD 20:10:01:15.05 states that to grant intervention to a petitioner, the petitioning party must demonstrate a peculiar interest that is distinguishable "from an interest common to the public or to the taxpayers in general."

In addition, S&S's intervention in this docket has not promoted a timely hearing and disposition of this case by the Commission. By way of example, the Commission Staff has requested S&S to provide a list of specific issues it will raise at the hearing. The purpose of Staff's request was to determine the amount of time to set aside for a hearing. To date, however, S&S has not responded to Staff's request, so a final hearing date has still not been scheduled. Instead of providing information and identifying specific issues to the Commission that will aid the Commission in its decision making process, S&S has continued to request information from companies without any stated purpose.

Because S&S can no longer demonstrate that it has an interest in the cost study docket, and because S&S's intervention has failed to facilitate the Commission's decision making role, S&S should be dismissed as an intervenor in this docket.

C. Argument for Extension of Time

Prior to the hearings on June 30, 2003, and July 2, 2003, that culminated in the Commission revoking S&S's Certificate of Authority, S&S served Second Discovery Requests upon Company. The Discovery Requests are dated June 12, 2003, and under the rules of civil procedure, responses are due within thirty days.

Since the service of the Second Discovery Requests, S&S's Certificate of Authority was revoked, which is the reason for Company's Motion to Dismiss. In the

event the Commission grants Company's Motion, responses to the Discovery Requests would not be necessary. Therefore, Company requests that the Commission extend the time to respond to the Second Discovery Requests. If the Motion to Dismiss is denied, Company requests thirty days from the date of the Commission's ruling in which to respond to the Discovery Requests.

WHEREFORE, Company respectfully moves the Commission to dismiss S&S as an Intervenor and party in this docket, and to grant an extension of time to respond to discovery.

Dated this eleventh day of July, 2003.

A handwritten signature in black ink, appearing to read "Darla Pollman Rogers", written over a horizontal line.

Darla Pollman Rogers

Robert C. Riter

Riter, Rogers, Wattier & Brown

P. O. Box 280

Pierre, South Dakota 57501

Telephone (605) 224-7889

Attorney for Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served a copy of the foregoing **MOTION** upon the person herein next designated, on the date below shown, by depositing a copy thereof in the United States mail at Pierre, South Dakota, postage prepaid, in an envelope addressed to said addressee, to-wit:

John W. Burke
Barker, Wilson, Reynolds & Burke, LLP
P. O. Box 100
Belle Fourche, South Dakota 57717-0100

Dated this eleventh day of July, 2003.



Darla Pollman Rogers
Robert C. Riter
Riter, Rogers, Wattier & Brown
P. O. Box 280
Pierre, South Dakota 57501
Telephone (605) 224-7889
Attorney for Company

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

**IN THE MATTER OF THE ESTABLISHMENT) ORDER APPROVING TARIFF
OF SWITCHED ACCESS RATES FOR THE) REVISIONS
LOCAL EXCHANGE CARRIERS ASSOCIATION) TC02-090**

On July 1, 2002, the Local Exchange Carriers Association (LECA) filed for approval by the Public Utilities Commission (Commission) revised pages of its LECA Tariff No. 1. LECA stated: "The purpose of these revisions is to implement changes in rates as necessitated by revisions in member companies' revenue requirements. The revised rates are proposed to be effective upon PUC approval of the corresponding cost studies."

On July 5, 2002, the Commission electronically transmitted notice of the filing and the intervention deadline of July 19, 2002, to interested individuals and entities. On July 15, 2002, the Commission received a Petition to Intervene from S&S Communications (S&S). On July 23, 2002, the Commission granted intervention to S&S. The Commission also voted to assess a filing fee as requested by the Executive Director up to the statutory limit of \$100,000. On May 30, 2003, the Commission received revised pages of LECA's Tariff No. 1. The purpose of these revisions is to implement changes in rates as necessitated by revisions in member companies' requirements and also to reflect a few minor textural changes. LECA requested a July 1, 2003, effective date. The Commission considered this matter at its July 1, 2003, meeting. Commission Staff recommended approval of the tariff revisions, subject to refund with interest.

The Commission has jurisdiction over this matter pursuant to SDCL 1-26-17.1, 49-1A-9, 49-31-12.2, 49-31-12.4, 49-31-12.6, 49-31-18, 49-31-19 and ARSD 20:10:01:15.02, 20:10:01:15.05, 20:10:27:07 and 20:10:27:08. Upon review of LECA's filing, the Commission found that the proposed tariff revisions were timely noticed for a July 1, 2003, effective date. As the Commission's decision in this matter, it is therefore

ORDERED, that LECA's tariff revisions are effective as of July 1, 2003, subject to refund with interest.

Dated at Pierre, South Dakota, this 14th day of July, 2003.

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>Delaine Kolbo</u>
Date: <u>7/16/03</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner

Best, Harlan

From: Bonrud, Pam
Sent: Thursday, July 17, 2003 12:49 PM
To: Best, Harlan; Cremer, Karen
Subject: FW: LECA Tariff Pages



LECA_SDPUC Rev
May 03-ABBR.pdf... FYI....

If a response is needed from us, will you please let me know.

Thanks!

-----Original Message-----

From: Wendy Harper [mailto:WendyHarper@Martin-Group.com]
Sent: Wednesday, July 16, 2003 3:57 PM
To: 'Pam.Bonrud@state.sd.us'
Cc: Marlene Bennett
Subject: LECA Tariff Pages

Ms. Bonrud,

On behalf of its member companies, attached for filing with the Public Utilities Commission (Commission) are revised pages of the Local Exchange Carriers Association (LECA) Tariff No. 1 that were approved by the Commission on July 1, 2003. We have updated the effective date to remove "proposed" from the wording. The tariff pages reflect the LECA rate based on the 2001 cost studies filed with the SDPUC and a few minor text changes regarding company names and/or consolidations. Please let Marlene or myself know if there have any questions regarding the attached tariff pages.

<<LECA_SDPUC Rev May 03-ABBR.pdf>>

Thanks,

Wendy Harper

Martin Group
1515 North Sanborn Blvd
Mitchell, SD 57301
Phone: (605)996-9646 ext 637
Fax: (605)995-2577
Email: wendyharper@martin-group.com

TARIFF CHECKLIST
 All Pages Are Original Unless Otherwise Noted

<u>Page</u>	<u>Revision Number</u>	<u>Page</u>	<u>Revision Number</u>	<u>Page</u>	<u>Revision Number</u>
6-87		12-1		15-20	
6-88				15-21	
6-89		13-1		15-22	
6-90		13-2		15-23	
6-91		13-3		15-24	
6-92		13-4		16-1	
6-93		13-5		17-1	19th*
6-94		13-6		17-2	
6-95		13-7		17-3	1st
6-96	1st	13-8		17-4	19th*
6-97		13-9		17-5	
6-98		13-10		17-6	
6-99	1st	13-11		17-7	
6-100		13-12		17-8	
6-101		13-13	2nd	17-9	
6-102	1st	13-14	1st	17-10	
6-103	1st	13-15	1st	17-11	
6-104	1st	13-16	1st	17-12	
6-105	1st	13-17		17-13	
6-106		13-18	1st	17-14	
6-107				17-15	
6-108	1st	14-1		17-16	
6-109	1st			17-17	
		15-1		17-18	
7-1		15-2		17-19	
		15-3		17-20	
8-1		15-4		18-1	5th
8-2		15-5		18-1.1	3rd*
8-3		15-6		18-2	3rd
8-4		15-7		18-2.1	2nd
		15-8		18-3	3rd*
9-1		15-9		18-4	1st
		15-10		18-5	6th*
10-1		15-11		18-5.1	1st
10-2		15-12		18-6	5th
10-3		15-13		18-6.1	3rd
10-4		15-14		18-7	5th*
10-5		15-15		18-7.1	3rd*
		15-16		18-8	6th
11-1		15-17		18-9	5th
11-2		15-18			
		15-19			

* New This Issue

Issued: May 30, 2003

Effective: July 1, 2003

By: Craig Osvog
 President
 P.O. Box 588
 Brookings, SD 57006

ACCESS SERVICE

17. Rates and Charges

17.1 Common Line Access Service

17.1.1 Carrier Common Line Access Service

Rate

Regulations concerning Carrier Common Line Access are set forth in Section 3. preceding.

Access

- | | | | |
|---|-------------------------------|-----------|-----|
| - | Originating Per Access Minute | \$0.0420* | (I) |
| - | Terminating Per Access Minute | \$0.0554* | (I) |

17.1.2 Reserved for Future Use

* Subject to change upon PUC approval of the corresponding cost studies.

Issued: May 30, 2003

By: Craig Osvog
President
P.O. Box 588
Brookings, SD 57006

Effective: July 1, 2003

ACCESS SERVICE

17. Rates and Charges (Cont'd)

17.2 Switched Access Service

17.2.1 Nonrecurring Charges

	<u>Rate</u>
(A) <u>Local Transport Element - Installation Per Line or Trunk</u>	\$295.00
(B) <u>Reserved for Future Use</u>	
(C) <u>Interim NXX Translation Per Order</u>	\$181.00
Per LATA or Market Area	

17.2.2 Traffic Sensitive

Local Switching (End Office)

Per Access Minute	Originating	\$0.0197	*	(I)
Per Access Minute	Terminating	\$0.0258	*	(I)

Local Transport

Per Access Minute		\$0.0356	*	(I)
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Network Blocking Per Blocked Call

Applies to FGD only	\$0.0271
---------------------	----------

8XX Data Base Query Service

Per Query	
Basic	\$0.0079
Vertical Feature	\$0.0082

* Subject to change upon PUC approval of the corresponding cost studies.

Issued: May 30, 2003

Effective: July 1, 2003

By: Craig Osvog
 President
 P.O. Box 588
 Brookings, SD 57006

ACCESS SERVICE

18. Wire Center Information (Cont'd)

18.1 Qualifying Companies, Company Code, Name, and Address (Cont'd)

Code Number: 1642
Company Name: Alliance Communications Cooperative, Inc. (Baltic) (T)
Address: Box 307
Baltic, SD 57003

Code Number: 1647
Company Name: Cheyenne River Sioux Tribe Telephone Authority
Address: P.O. Box 810
Eagle Butte, SD 57625

Code Number: 1649
Company Name: Beresford Municipal Telephone Company
Address: 101 North Third Street
Beresford, SD 57004

Code Number: 1650
Company Name: City of Brookings Municipal Tel. Department
Address: PO Box 588
Brookings, SD 57006

Code Number: 1651
Company Name: Interstate Telecommunications Cooperative, Inc.
Address: P.O. Box 920
Clear Lake, SD 57226

Code Number: 1653
Company Name: City of Faith Telephone Company
Address: PO Box 368
Faith, SD 57626

Code Number: 1655
Company Name: Splitrock Properties, Inc.
Address: PO Box 349
Garretson, SD 57030

(D)
|
(D)

Code Number: 1657
Company Name: Alliance Communications Cooperative, Inc. (Splitrock) (T)
Address: P.O. Box 349
Garretson, SD 57030

ACCESS SERVICE

18. Wire Center Information (Cont'd)

18.1 Qualifying Companies, Company Code, Name and Address (Cont'd)

Code Number: 1676
Company Name: Santel Communications Cooperative, Inc.
Address: P.O. Box 67
Woonsocket, SD 57385

Code Number: 1677
Company Name: Sioux Valley Telephone Company
Address: P.O. Box 98
Dell Rapids, SD 57022

Code Number: 1679
Company Name: Stockholm-Strandburg Telephone Company
Address: P.O. Box 20
Stockholm, SD 57264

Code Number: 1680
Company Name: Venture Communications Cooperative, Inc.
Address: P.O. Box 157
Highmore, SD 57345

Code Number: 1682
Company Name: Tri-County Telcom, Inc.
Address: P.O. Box 304
Emery, SD 57332

Code Number: 1684
Company Name: Union Telephone Company
Address: 116 North Main
Hartford, SD 57033

Code Number: 1685
Company Name: Valley Telecommunications Coop. Assn., Inc.
Address: P.O. Box 7
Herreid, SD 57632

Code Number: 1686
Company Name: Vivian Telephone Company
Address: P.O. Box 411
Wall, SD 57790

(T)

ACCESS SERVICE

18. Wire Center (Exchanges) Information (Cont'd)

(D)

18.2 Qualifying Company Wire Centers

<u>Company Name</u>	<u>Exchange</u>	
Armour Independent Telephone Company	Armour	
Alliance Communications Cooperative, Inc. (Baltic)	Alcester Baltic Crooks Hudson East Hudson, IA	(T)(M) (T) (M) (M)
Beresford Municipal Telephone Company	Beresford	
Bridgewater-Canistota Independent Telephone Company	Bridgewater Canistota	
Cheyenne River Sioux Tribe Telephone Authority	Dupree Eagle Butte Isabel La Plant South Dupree	
City of Brookings Municipal Tel. Dept.	Brookings	
		(D) (M) | (M)
City of Faith Telephone Company	Faith	

ACCESS SERVICE

18. Wire Center (Exchanges) Information (Cont'd)

18.2 Qualifying Company Wire Centers (Cont'd)

<u>Company Name</u>	<u>Exchange</u>	
Santel Communications Cooperative, Inc.	Alpena	
	Artesian	
	Ethan	
	Forestburg	
	Letcher	
	Mt. Vernon	
	Parkston	
	Tripp	
	Wolsey	
Woonsocket		
Sioux Valley Telephone Company	Colton	
	Corsica	
	Dell Rapids	
	Humboldt/Montrose	
	Plankinton	
	Valley Springs	
Splitrock Properties, Inc.	Howard/Carthage	
	Oldham/Ramona	
Alliance Communications Cooperative, Inc. (Splitrock)	Brandon	(T)
	Garretson	(T)
	E. Garretson, MN	
Stockholm-Strandburg Telephone Company	Revillo	
	South Shore	
	Stockholm	

ACCESS SERVICE

18. Wire Center (Exchanges) Information (Cont'd)

18.2 Qualifying Company Wire Centers (Cont'd)

<u>Company Name</u>	<u>Exchange</u>	
Venture Communications Cooperative, Inc.	Blunt	Onida
	Bowdle	Pierpont
	Britton	Ree Heights
	North Britton, ND	Roscoe
	East Onida	Rosholt
	Gettysburg/Lebanon	Roslyn
	Harrold	Selby
	Highmore	Seneca
	Hitchcock	Sisseton
	Hoven	Tolstoy
	Langford	Tulare
	Onaka	Wessington
		Wessington Springs
		West Onida
Tri-County Telcom, Inc.	Clayton	
	Emery	
Union Telephone Company	Hartford	
	Wall Lake	
Valley Telecommunications Cooperative Assn., Inc.	Eureka	
	Glenham	
	Herreid	
	Hosmer	
	Ipswich	
	Leola	
	Long Lake	
	Mound City	
	Pollock	

(T)

BARKER WILSON REYNOLDS & BURKE
LAWYERS

www.bwrbl.com

4200 BEACH DRIVE
P.O. BOX 9335
RAPID CITY, SD 57709-9335
605.718.8000 • FAX: 605.718.8010

211 ZINNIA STREET
P.O. BOX 100
BELLE FOURCHE, SD 57717-0100
605.723.8000 • FAX: 605.723.8010

REPLY TO: BELLE FOURCHE OFFICE

July 22, 2003

RECEIVED

JUL 24 2003

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Debra Elofson
Executive Director
Public Utilities Commission
State Capitol
500 East Capitol
Pierre, SD 57501

Re: Intervenor's Brief in Resistance to Motion to Dismiss and Motion for Extension of Time

Dear Debra:

Enclosed please find the originals and ten copies of each of **Intervenor's Brief in Resistance to Motion to Dismiss and for Extension of Time** for filing in the following matters:

TC02-071 Baltic Telecom Cooperative
TC02-080 Beresford Municipal Telephone Company
TC02-078 Bridgewater-Canistota Independent Telephone Company
TC02-076 Brookings Municipal Telephone Company
TC02-087 DTG Community Telephone
TC02-072 East Plains Telecom, Inc.
TC02-053 Interstate Telecommunication Cooperative, Inc.
TC02-079 Kennebec Telephone Company
TC02-090 Local Exchange Carriers Association
TC02-068 McCook Cooperative Telephone Company
TC02-067 Midstate Communications, Inc.
TC02-088 Roberts County Telephone Cooperative Association and RC Communications, Inc.
TC02-073 Sanborn Telephone Cooperative and SANCOM, Inc.
TC02-058 Sioux Valley Telephone Company
TC02-091 South Dakota Network, L.L.C.
TC02-065 Splitrock Properties, Inc.
TC02-066 Splitrock Telecom Cooperative, Inc.
TC02-064 Sully Buttes Telephone Cooperative, Inc.
TC02-089 Tri-County Telcom, Inc.
TC02-074 Valley Telecommunications Cooperative Association
TC02-054 Vivian Telephone Company
TC02-052 West River Cooperative Telephone Company

Debra Elofson
July 22, 2003
Page 2

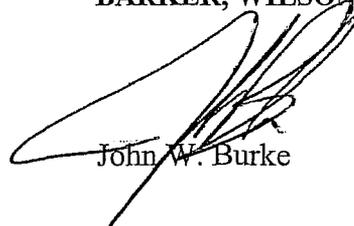
By copy of this letter, copies of the same are being served upon counsel for the opposing Petitioner via facsimile and first class mail.

If you have any questions, please feel free to give me a call at any time.

Best regards.

Sincerely,

BARKER, WILSON, REYNOLDS & BURKE, L.L.P.

A handwritten signature in black ink, appearing to be 'John W. Burke', written over a printed name.

John W. Burke

JWB/bb

Enclosures

cc: S&S Communications
Darla Rogers

RECEIVED

JUL 24 2003

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

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

**IN THE MATTER OF THE ESTABLISHMENT OF
SWITCHED ACCESS RATES FOR LOCAL
EXCHANGE CARRIERS ASSOCIATION**

)
) TC02-090
)
) **INTERVENOR’S BRIEF IN**
) **RESISTANCE TO MOTION**
) **TO DISMISS AND MOTION**
) **FOR EXTENSION OF TIME**
)

COMES NOW the Intervenor, S&S Communications, by and through its attorneys of record, Barker, Wilson, Reynolds & Burke, L.L.P., and hereby submits the following in resistance to Petitioner’s Motion to Dismiss and Motion for Extension of Time to Respond to Second Discovery Requests.

ARGUMENT AND AUTHORITIES

I. PETITIONER’S MOTION TO DISMISS SHOULD BE DENIED.

Petitioner contends that S&S Communications should be dismissed as an Intervenor in this matter. In its words, “[b]ecause S&S no longer purchases switched access services from LECs, any increase in rates will not have any effect on S&S’s pecuniary interest or on its operating expenses.” Disappointingly, in an unwarranted personal attack, Petitioner adds that “S&S’s intervention in this docket has not promoted a timely hearing and disposition of this case by the Commission.” Petitioner’s Motion to Dismiss at 4. Given Petitioner’s comment, before addressing Petitioner’s Motion to Dismiss on the merits, a review of the parties’ respective efforts to “promote[] a timely hearing and disposition of this case by the Commission” is warranted.

A. S&S Communications has worked toward the timely hearing and disposition of this matter.

In June of 2002, Petitioner filed its 2001 Intrastate Switched Access Cost Study for

approval by this Commission. Thereafter, S&S Communications filed S&S Communications' Petition to Intervene. S&S Communications' Petition to Intervene was granted.

On July 26, 2002, S&S Communications served Intervenor's Discovery Requests. On August 26, 2002, *thirty days* after Intervenor's Discovery Requests had been served, Petitioner served its Response to Intervenor's Discovery Requests in which Petitioner objected to each and every one of the Requests for Production. Because Petitioner did nothing more than object to the discovery requests, Petitioner's Response could have been served immediately thereby saving the parties and the Commission thirty days in this process. Instead, Petitioner waited the full thirty days to produce nothing.

On September 4, 2002, just over one week after receiving Petitioner's "responses" to Intervenor's Discovery Requests, S&S Communications served S&S Communications' Request for Access to Confidential Information.

After hearing very little from counsel for Petitioner over the next two months, on November 15, 2002, counsel for S&S Communications mailed counsel for Petitioner a letter stating as follows:

As you know, during the first week of September 2002, I served numerous Requests for Access to Confidential Information. Over the next two months, I heard very little from you in this regard until recently, when you stated in an e-mail that your clients might be willing to disclose this information if it was only reviewed by S&S Communications' expert, Porter Childers. I am writing to simply state that my patience is at an end, and that, therefore, if you do not advise me that this information can be reviewed by Mr. Childers by 12 p.m. on Monday, I will take immediate action, which may or may not include renewed Requests for Access to Confidential Information.

See Attachment A (copy of letter from Burke to Rogers dated November 15, 2002) (emphasis added). This letter prompted a response and, after some discussion, counsel for S&S Communications received a draft of a Protective Agreement on December 5, 2002.

Approximately eight days later, on December 13, 2002, counsel for S&S Communications faxed a copy of a revised Protective Agreement to counsel for Petitioner “with various modifications.” See Attachment B (copy of letter from Burke to Rogers dated December 13, 2002). Counsel for Petitioner faxed another revised Protective Agreement to counsel for S&S Communications on December 18, 2002.

On December 31, 2002, counsel for S&S Communications faxed yet another revised Protective Agreement to counsel for Petitioner. See Attachment C (copy of letter from Burke to Rogers dated December 31, 2002). After counsel for S&S Communications did not hear from counsel for Petitioner during the two weeks that followed, counsel for S&S Communications wrote a letter to counsel for Petitioner stating as follows:

A couple of days ago I called your office and was informed that you would call me back in a few minutes. I did not hear from you later that day, nor did I hear from you yesterday. As a result, I called again yesterday and left another message. In the meantime, we have received an e-mail from Karen Cremer at the Public Utilities Commission indicating that they would like to move forward with these dockets. For that reason, and because I believe that you have had plenty of time to review the language in the Protective Agreement, I would like to know whether you intend to sign the Protective Agreement by 5 p.m. MST today. If I do not hear from you in this regard, I will contact Ms. Cremer on Monday morning and ask that she set a hearing.

While I appreciate that you may be busy, I am sure that you can understand why I do not risk S&S Communications’ meaningful participation in these dockets simply because your clients are struggling with the language of a Protective Agreement concerning documents which we are clearly entitled to.

See Attachment D (copy of letter from Burke to Rogers dated January 17, 2003) (emphasis added).

Approximately three days later, on January 20, 2003, counsel for S&S Communications received a facsimile from counsel for Petitioner accompanied by another draft of the Protective Agreement. After further discussions, on February 3, 2003, counsel for S&S Communications

received yet another proposed Protective Agreement from counsel for Petitioner. Within a matter of days, the parties agreed to a Protective Agreement and it was circulated for the appropriate signatures. Approximately six weeks later, during the first week of April, 2003, a number of the “cost studies” were mailed to S&S Communications’ expert, Porter Childers.

After his initial review of the cost studies, Porter Childers related that additional information was needed to permit a meaningful consideration as to whether an increase of South Dakota’s already high switched access rates is appropriate. On June 12, 2003, S&S Communications served Intervenor’s Second Discovery Requests. To date, Petitioner has not responded to these requests. Instead, like before, Petitioner waited twenty-nine days and then served the present Motion for Extension of Time to Respond to Second Discovery Request.

Given the preceding, S&S Communications would submit that it has been Petitioner, and not S&S Communications, that “has not promoted a timely hearing and disposition of this case by the Commission.” Petitioner’s Motion to Dismiss at 4.¹

B. S&S Communications should not lose its intervenor status.

Though it fails to cite a single case in support of its argument, Petitioner contends that S&S Communications should be dismissed as an intervenor in this matter. According to Petitioner, “S&S can no longer demonstrate that ‘by the outcome of the preceding [it] will be bound and affected either favorably or adversely with respect to an interest peculiar to the petitioner’” Petitioner’s Motion to Dismiss at 3. S&S Communications should not lose its

¹ Petitioner submits that S&S Communications has not responded to Staff’s request for a list of specific issues. Petitioner’s Motion to Dismiss at 4. Petitioner’s representation is inaccurate and misleading. Staff did ask counsel for S&S Communications for an issues matrix. Thereafter, counsel for S&S Communications contacted Staff and informed it that until it had obtained the additional information requested from Petitioner—information needed by S&S Communications’ expert, Porter Childers—that it would be unable to provide an issues matrix.

intervenor status.

First, once this Commission granted S&S Communications status as an intervenor in this matter, it became “a party to the proceeding.” ARSD 20:10:01:15.05. Accord 7C C. Wright & A. Miller, *Federal Practice and Procedure* § 1920 (1985); Schneider v. Dumberton Developers, Inc., 767 F2d 1007, 1017 (CADDC 1985) (“When a party intervenes, it becomes a full participant in the lawsuit and is treated just as if it were an original party.”). By rule, “[a]s a party,” S&S Communications became “entitled . . . to all . . . rights granted to parties by statute.” ARSD 20:10:01:15.05. Parties cannot be summarily dismissed from a matter. See SDCL 15-6-12(b) (motion to dismiss (1) for lack of jurisdiction over the subject matter; (2) for lack of jurisdiction over the person; (3) due to insufficiency of process; (4) due to insufficiency of service of process; (5) for failure to state a claim upon which relief can be granted; (6) for failure to join a party under § 15-6-19); SDCL 15-6-12(c) (motion for judgment on the pleadings); SDCL 15-6-41(b) (motion for involuntary dismissal); SDCL 15-6-56 (motion for summary judgment). Thus, as a party, S&S Communications cannot be summarily dismissed from this proceeding.

Second, the Commission should not overlook the fact that Petitioner will not in any way be prejudiced by S&S Communications’ continued participation in this proceeding. If Petitioner’s cost studies support the rates they seek to implement, and Petitioner has nothing to hide, it should, frankly, be indifferent to S&S Communications’ continued participation.

Third, S&S Communications’ continued participation will aid the Commission in obtaining its ultimate objective of switched access rates that are fair to Petitioner, interexchange carriers, and the citizens of South Dakota. If Petitioner shares this objective—which it should—how can it *reasonably* maintain that S&S Communications should not be allowed to

continue to participate and assist the Commission.²

II. PETITIONER'S MOTION FOR EXTENSION SHOULD BE DENIED.

As noted earlier, after his initial review of the cost studies, S&S Communications' expert, Porter Childers, indicated that additional information was needed to analyze whether an increase of South Dakota's already high switched access rates was appropriate. S&S Communications served Intervenor's Second Discovery Requests on June 12, 2003. Although Petitioner agrees that its "responses are due within thirty days," it seeks an extension because "[i]n the event the Commission grants Company's Motion, responses to the Discovery Requests would not be necessary." Petitioner's Motion to Dismiss at 4-5. Petitioner's Motion should be denied.

Petitioner's Motion is nothing more than a transparent attempt to further delay inquiry into the basis for the switched access rates it seeks to charge. It is worth noting that as of the day S&S Communications' Certificate of Authority was revoked (July 3, 2003)—the event which serves as the basis for Petitioner's Motion—Petitioner had had Intervenor's Second Discovery Requests for approximately twenty days. Because Petitioner only had thirty days to respond to Intervenor's Discovery Requests, Petitioner should have had a substantial portion of the documents already gathered and therefore should have at least produced the documents it had already gathered. There is no good faith reason why Petitioner had not already produced at least what it had gathered by July 3. S&S Communications' expert could be reviewing such documents right now. Petitioner's Motion directly contradicts the promotion of the "timely hearing and disposition of this case by the Commission." Petitioner's Motion to Dismiss at 4.

² In addition, Petitioner will no doubt seek retroactive recovery of the increased switched access rates from interexchange carriers, including S&S Communications. In that case, Petitioner will be seeking additional funds from S&S Communications and, as a result, the Commission's decision will directly and immediately affect the pecuniary interests of S&S Communications.

Dated this 22nd day of July, 2003.

BARKER, WILSON, REYNOLDS & BURKE, L.L.P.
Attorneys for S&S Communications

By:

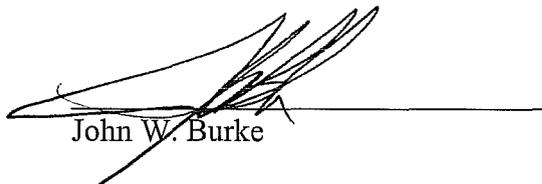


John W. Burke
211 Zinnia Street
P.O. Box 100
Belle Fourche, SD 57717-0100
Tel: (605) 723-8000
Fax: (605) 723-8010

CERTIFICATE OF SERVICE

I, John W. Burke, hereby certify that on the 22nd day of July, 2003, I caused a copy of the foregoing **INTERVENOR'S BRIEF IN RESISTANCE TO MOTION TO DISMISS AND MOTION FOR EXTENSION OF TIME** to be served upon the following via facsimile and first class mail:

Darla Pollman Rogers
Riter, Rogers, Wattier & Brown
P.O. Box 280
Pierre, SD 57501



John W. Burke

KENNETH E. BARKER"

MICHAEL A. WILSON'

MICHAEL P. REYNOLDS"

JOHN W. BURKE"

JEFFERY D. COLLINS

BARKER WILSON REYNOLDS & BURKE
LAWYERS

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BELLE FOURCHE, SD 57717-0100
605.723.8000 • FAX: 605.723.8010

REPLY TO: BELLE FOURCHE OFFICE

November 15, 2002

VIA FACSIMILE AND FIRST CLASS MAIL

Darla Rogers
Meyer & Rogers
P.O. Box 1117
Pierre, SD 57501

Re: S&S Communications/RLECs

Dear Ms. Rogers:

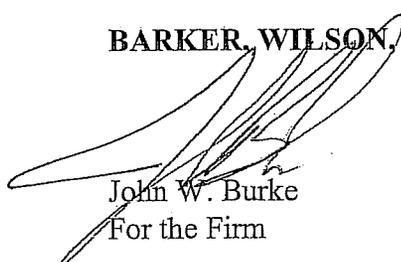
As you know, during the first week of September 2002, I served numerous Requests for Access to Confidential Information. Over the next two months, I heard very little from you in this regard until recently, when you stated in an e-mail that your clients might be willing to disclose this information if it was only reviewed by S&S Communications' expert, Porter Childers. I am writing to simply state that my patience is at an end, and that, therefore, if you do not advise me that this information can be reviewed by Mr. Childers by 12 p.m. on Monday, I will take immediate action, which may or may not include renewed Requests for Access to Confidential Information.

I look forward to hearing from you in this regard. If you have any questions, please feel free to give me a call at any time.

Best regards.

Sincerely,

BARKER, WILSON, REYNOLDS & BURKE, L.L.P.


John W. Burke
For the Firm

JWB/bb

cc: S&S Communications

Attachment
A

BARKER WILSON REYNOLDS & BURKE
L A W Y E R S

4200 BEACH DRIVE
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RAPID CITY, SD 57709-9335
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www.courtroomcounselors.com

KENNETH E. BARKER*

MICHAEL A. WILSON†

MICHAEL P. REYNOLDS**

JOHN W. BURKE***

JEFFERY D. COLLINS

REPLY TO: BELLE FOURCHE OFFICE

December 13, 2002

VIA FACSIMILE AND FIRST CLASS MAIL

Darla Rogers
Meyer & Rogers
P.O. Box 1117
Pierre, SD 57501

Re: S&S Communications/RLECs

Dear Darla:

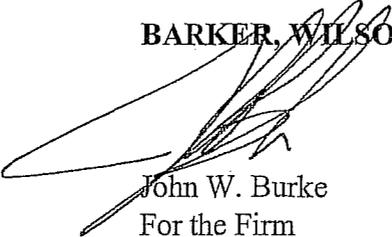
Enclosed please find a copy of the proposed Protective Agreement you faxed to me earlier this week with various modifications. I would sincerely appreciate it if you would review these modifications and let me know on Monday whether they are acceptable to you.

I look forward to hearing from you in this regard. In the meantime, if you have any questions, please feel free to give me a call at any time.

Best regards.

Sincerely,

BARKER, WILSON, REYNOLDS & BURKE, L.L.P.


John W. Burke
For the Firm

JWB/bb
Enclosure

Attachment
B

BARKER WILSON REYNOLDS & BURKE
LAWYERS

www.courtroomcounselors.com

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REPLY TO: BELLE FOURCHE OFFICE

December 31, 2002

VIA FACSIMILE AND FIRST CLASS MAIL

Darla Rogers
Meyer & Rogers
P.O. Box 1117
Pierre, SD 57501

Re: Protective Agreement

Dear Darla:

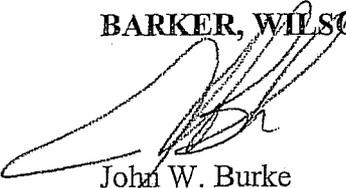
I am in receipt of your facsimile dated December 18, 2002, as well as the accompanying revised draft of the Protective Agreement. After reviewing the Protective Agreement, and given the number of changes that have been made, I took the liberty of revising the Protective Agreement. I am enclosing a draft for your review. In my opinion, it protects the interests of both your clients and S&S Communications.

I look forward to hearing from you in this regard. In the meantime, if you have any questions, please feel free to give me a call at any time.

Best regards.

Sincerely,

BARKER, WILSON, REYNOLDS & BURKE, L.L.P.


John W. Burke
For the Firm

JWB/bb
Enclosure

Attachment
C

KENNETH E. BARKER*

MICHAEL A. WILSON†

MICHAEL P. REYNOLDS**

JOHN W. BURKE***

JEFFERY D. COLLINS

BARKER WILSON REYNOLDS & BURKE
LAWYERS

www.courtroomcounselors.com

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REPLY TO: BELLE FOURCHE OFFICE

January 17, 2003

VIA FACSIMILE AND FIRST CLASS MAIL

Darla Rogers
Meyer & Rogers
P.O. Box 1117
Pierre, SD 57501

Re: S&S Communications v. RLEC's

Dear Darla:

A couple of days ago I called your office and was informed that you would call me back in a few minutes. I did not hear from you later that day, nor did I hear from you yesterday. As a result, I called again yesterday and left another message. In the meantime, we have received an e-mail from Karen Cremer at the Public Utilities Commission indicating that they would like to move forward with these dockets. For that reason, and because I believe that you have had plenty of time to review the language in the Protective Agreement, I would like to know whether you intend to sign the Protective Agreement by 5 p.m. MST today. If I do not hear from you in this regard, I will contact Ms. Cremer on Monday morning and ask that she set a hearing.

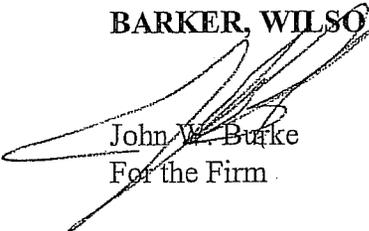
While I appreciate that you may be busy, I am sure that you can understand why I do not risk S&S Communications' meaningful participation in these dockets simply because your clients are struggling with the language of a Protective Agreement concerning documents which we are clearly entitled to.

I look forward to hearing from you in this regard. If you have any questions, please feel free to give me a call at any time.

Best regards.

Sincerely,

BARKER, WILSON, REYNOLDS & BURKE, L.L.P.


John W. Burke
For the Firm

JWB/bb

cc: S&S Communications

Attachment
D

before August 15, 2003, S&S shall file and serve on the parties hereto any affidavit(s) or other proof it wishes to present to demonstrate that a genuine issue of material fact exists as to its present interest in the outcome of this proceeding. On or before August 18, 2003, Company shall file and serve any opposing affidavit(s) or other proofs.

The Commission further serves notice that if the Commission determines at the August 19, 2003 hearing that a genuine issue of material fact is presented as to S&S's current interest in the proceeding, that the Commission will thereupon at such time and place take evidence from S&S and other parties hereto on the issue of S&S's current interest in this proceeding.

The issue at the hearing will be whether by the outcome of the proceeding S&S will be bound and affected either favorably or adversely with respect to an interest peculiar to S&S as distinguished from an interest common to the public or to the taxpayers in general. The hearing will be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights may be forfeited if not exercised at the hearing. The Commission will consider all evidence and arguments presented at the hearing. To the extent allowed by law for appeals of interlocutory decisions, the Commission's decision may be appealed by the parties to the circuit court and the state Supreme Court as provided by law. It is therefore

ORDERED, that a hearing shall be held at the time and place and in the manner specified above, on the issue set forth above; and it is further

ORDERED, that S&S shall file and serve any affidavit(s) or other proof as to the above issue on or before August 15, 2003, and that Company shall file and serve any opposing affidavit(s) or other proof on or before August 18, 2003; and it is further

ORDERED, that the time for Company to respond to S&S's pending discovery requests is extended until after the Motion to Dismiss is decided and the further order of the Commission.

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

Dated at Pierre, South Dakota, this 8th day of August, 2003.

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><i>Delaine Kalbo</i></u>
Date:	<u>8/8/03</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Robert K. Sahr

ROBERT K. SAHR, Chairman

Gary Hanson

GARY HANSON, Commissioner

BARKER WILSON REYNOLDS & BURKE
LAWYERS

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REPLY TO: BELLE FOURCHE OFFICE

August 14, 2003

VIA FACSIMILE ONLY

Ms. Pamela Bonrud
Executive Director
Public Utilities Commission
State Capitol
500 East Capitol
Pierre, SD 57501

Re: Affidavit of Les S. Sumption

Dear Ms. Bonrud:

I am writing to simply advise you that earlier today I mailed, via overnight delivery, an *Affidavit of Les S. Sumption* to be filed each of the below referenced dockets. I am enclosing a copy of one of the Affidavits for your reference.

- TC02-071 Baltic Telecom Cooperative
- TC02-080 Beresford Municipal Telephone Company
- TC02-078 Bridgewater-Canistota Independent Telephone Company
- TC02-076 Brookings Municipal Telephone Company
- TC-02-087 DTG Community Telephone
- TC-02-072 East Plains Telecom, Inc.
- TC02-053 Interstate Telecommunication Cooperative, Inc.
- TC02-079 Kennebec Telephone Company
- TC02-090 Local Exchange Carriers Association
- TC02-068 McCook Cooperative Telephone Company
- TC02-067 Midstate Communications, Inc.
- TC02-088 Roberts County Telephone Cooperative Association and RC Communications, Inc.
- TC02-073 Sanborn Telephone Cooperative and SANCOM, Inc.
- TC02-058 Sioux Falley Telephone Company
- TC02-091 South Dakota Network, L.L.C.
- TC02-065 Splitrock Properties, Inc.
- TC02-066 Splitrock Telecom Cooperative, Inc.
- TC02-064 Sully Buttes Telephone Cooperative, Inc.

Ms. Pamela Bonrud
Executive Director
August 14, 2003
Page 2

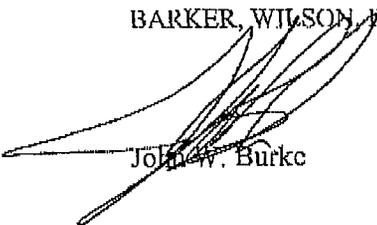
TC02-089 Tri-County Telcom, Inc.
TC02-077 Union Telephone Company
TC02-074 Valley Telecommunications Cooperative Association
TC02-054 Vivian Telephone Company
TC02-052 West River Cooperative Telephone Company

If you have any questions, please feel free to give me a call at any time.

Best regards.

Sincerely,

BARKER, WILSON, REYNOLDS & BURKE, LLP



John W. Burke

JWB/bb
Enclosure

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

**IN THE MATTER OF THE ESTABLISHMENT OF
SWITCHED ACCESS REVENUE REQUIREMENT**

) TC02-053; TC02-052; TC02-054;
) TC02-058; TC02-064; TC02-065;
) TC02-066; TC02-067; TC02-068;
) TC02-071; TC02-072; TC02-073;
) TC02-074; TC02-076; TC02-077;
) TC02-078; TC02-079; TC02-080;
) TC02-087; TC02-088; TC02-089;
) TC02-090; TC02-091
)

AFFIDAVIT OF LES S. SUMPTION

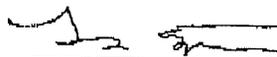
Les S. Sumption, being first duly sworn upon his oath, deposes and states as follows:

1. That I am one of the partners that owns and operates Intervenor S&S Communications.
2. That I make this Affidavit in resistance to Petitioner's Motion to Dismiss and/or Motion for Summary Judgment.
3. That prior to losing its Certificate of Authority S&S Communications was a switch-based interexchange carrier that provided both intra and interstate long distance communications services to subscribers throughout South Dakota.
4. That providing intrastate long distance services in South Dakota requires the following switched access services: Originating Carrier Common Line Access; Originating Local Switching; Originating Local Transport; Centralized Equal Access Service; Terminating Local Transport; Terminating Local Switching; and Terminating Carrier Common Line Access. Pursuant to tariffs, the cost to purchase such services exceeds \$.20 per minute.
5. That over the past several weeks several individuals and/or entities have expressed an interest in purchasing S&S Communications and/or its assets.

6. That S&S Communications is presently in negotiations to sell its business and/or assets.
7. That S&S Communications' pecuniary interests will be directly and immediately affected by the Commission's decision on this matter for the following reasons:
 - (A) Subsequent to the sale, S&S Communications, regardless of the name by which it will do business, will have to purchase switched access services;
 - (B) The individual and/or entity interested in purchasing S&S Communications and/or its assets has expressed some reluctance in following through with the purchase as a result of the rates presently charged for switched access services in South Dakota;
 - (C) If the individual and/or entity interested in purchasing S&S Communications and/or its assets fails to follow through with the purchase, S&S Communications will be divested of a substantial amount of revenue that would have been directed to creditors and/or subscribers that lost service.

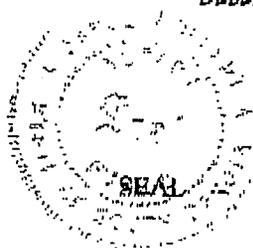
Further your affiant sayeth not.

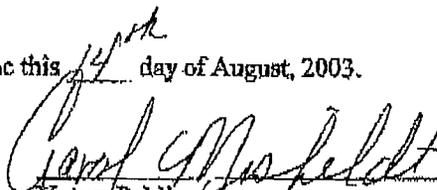
Dated this 14 day of August, 2003.



Les S. Sumption

Subscribed and sworn to before me this 14th day of August, 2003.





Notary Public
My Commission Expires: 1-25-2006

RECEIVED

BEFORE THE PUBLIC UTILITIES COMMISSION

AUG 18 2003

OF THE STATE OF SOUTH DAKOTA

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

IN THE MATTER OF THE ESTABLISH-
MENT OF SWITCHED ACCESS REVE-
NUE REQUIREMENT

Docket No.'s TC02-052, TC02-053,
TC02-054, TC02-058, TC02-064,
TC02-065, TC02-066, TC02-067,
TC02-068, TC02-071, TC02-072,
TC02-073, TC02-074, TC02-076,
TC02-077, TC02-078, TC02-079,
TC02-080, TC02-087, TC02-088,
TC02-089, TC02-090, TC02-091

RESPONSE OF COMPANIES NAMED IN ABOVE DOCKETS
TO AFFIDAVIT OF LES S. SUMPTION

Relevant Background

In June of 2002, each of the companies named in the above dockets (hereinafter "Companies") filed its 2001 Intrastate Switched Access Cost Study. S&S Communications ("S&S") was granted intervention status in the above dockets by the Commission on July 23, 2002.

On July 1, 2003, pursuant to properly given statutory notice, the Companies' switched access rates became effective, subject to final approval/refund by the Commission. On July 2, 2003, Commission revoked S&S's Certificate of Authority to do business as a telecommunications company in South Dakota.

On July 11, 2003, each of the Companies filed a Motion to Dismiss S&S as Intervenor in the Cost Study Dockets and Motion for Extension of Time to Respond to S&S's Second Discovery Request. S&S filed a Brief in Resistance to Companies' Motions.

On August 4, 2003, the Commission considered the Motions and voted to reconsider the Motion to Dismiss on August 19, 2003, alternatively as a Motion for Summary Judgment or as a Motion to Dismiss. The Commission extended the time of Companies to respond to the Second Discovery Requests pending ruling on the Motion to Dismiss.

On August 14, 2003, S&S filed an Affidavit of Les S. Sumption, resisting Companies' Motion to Dismiss and/or Motion for Summary Judgment. This Response is filed by Companies in support of the Motion to Dismiss and the Motion for Summary Judgment.

Issue

The issue presented is whether a genuine issue of material fact exists as to S&S's current interest in the cost study dockets. If the Commission determines that no genuine issue of material fact exists, it will proceed to determine whether S&S currently has sufficient interest in the proceeding to maintain its status as intervenor party as a question of law.

If the Commission determines S&S has alleged sufficient facts in its Affidavit to establish that a genuine issue of material fact may exist, the Commission will proceed to take evidence from S&S and other parties on the issue of S&S's current interest in the Companies' cost study dockets. The issue at said factual hearing will be whether by the outcome of these proceedings (the cost study dockets) S&S will be bound and affected either favorably or adversely with respect to an interest peculiar to S&S as distinguishable from an interest common to the public or to the taxpayers in general.

Argument

It is Companies' position that a further factual hearing is not necessary, as the Affidavit filed by S&S in this docket is insufficient to establish the existence of a genuine issue of material fact.

SDCL § 15-6-56 governs summary judgment practice. Specifically, SDCL § 15-6-56(e) addresses the form of affidavits necessary to support or oppose a summary judgment motion:

Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence . . . when a motion for summary judgment is made . . . an adverse party may not rest upon the mere allegations or denials of his pleading, but his response . . . must set forth specific facts showing that there is a genuine issue for trial.

A careful review of the Affidavit of Les S. Sumption shows that it falls far short of the statutory standards for opposing affidavits. Paragraph 5 of the Affidavit states that over the past several weeks, "several individuals and/or entities have expressed an interest in purchasing S&S Communications and/or its assets." Paragraph 6 states that S&S is presently negotiating to sell "its business and/or its assets." S&S, however, submits no supplemental documents supporting its stated allegations.

It is highly speculative at best that S&S could sell its business. This Commission can take judicial notice of the fact that S&S can no longer provide services, since its Certificate of Authority has been revoked. Therefore, sale of S&S as a business is very unlikely. S&S is asking the Commission to keep it in these dockets on the slim chance of a sale of its business. No facts are submitted to substantiate these allegations: What is the name of the proposed buyer? Is it an individual or an entity? In his Affidavit, Mr. Sumption apparently cannot decide what type of buyer he is dealing with, despite his assertion that he is "presently" engaged in negotiations. Is the sale one of a business

or one of assets? Again, Mr. Sumption is unable to state what type of sale he is presently negotiating. It is important to remember that the purpose of the current dockets is to determine and establish fair switched access rates in accordance with this Commission's rules, not whether S&S can sell its business or assets.

Nor does Mr. Sumption's Affidavit establish sufficient facts to show that S&S's pecuniary interests will be "directly and immediately affected" by the outcome of these dockets. There is no evidence whatsoever that S&S Communications "will have to purchase switched access services." It obviously cannot do so without a Certificate of Authority. Even assuming for purposes of argument that S&S sells its business as an on-going telecommunications business, which is not only a stretch of the imagination but also not even affirmatively stated and supported by Mr. Sumption's Affidavit, the new buyer would have to establish its own interest in the Companies' switched access rates. Mr. Sumption cannot raise concerns of a phantom buyer and expect such vicarious allegations to sustain the level of specificity required by SDCL 15-6-56(e) to oppose a summary judgment motion. Such hearsay would not be admissible in a factual hearing. If, on the other hand, S&S does sell assets, such as a switch or other personal property, the outcome of these dockets would have no effect whatsoever on such a sale.

The standards of specificity of affidavits in support of or in opposition to summary judgment are high under South Dakota case law as well. The clearest example is found in the case of The Estate of Fredris J. Elliott vs. A&B Welding Supply Company, Inc., 594 NW2d 707 (SD 1999). The case involved agreements among shareholders for the purchase of stock. Specifically, the Estate tried to challenge the validity of written buy/sell agreements on the basis of alleged oral agreements between the share-

holders. In granting summary judgment upholding the validity of the written agreements, the Court stated:

However, proof of a mere possibility is never sufficient to establish a fact . . . “When challenging a summary judgment, the nonmoving party ‘must substantiate his allegations with sufficient probative evidence that would permit a finding in his favor on more than mere speculation, conjecture, or fantasy.’” Himrich v. Carpenter, 569 NW2d 568, 573 (quoting Moody v. St. Charles County, 23 F3d 1410, 1412 (8th Cir. 1994)).

See also Estate of Thomas v. Sheffield, (“mere allegations are not sufficient to preclude summary judgment”), 511 NW2d 841, 844 (SD 1994). Also on point is the case of Paradigm Hotel Mortgage Fund v. Sioux Falls Hotel Company, Inc., 511 NW2d 567 (SD 1994). The Hotel appealed the trial court’s grant of summary judgment to Paradigm in a foreclosure action against Hotel on a defaulted mortgage loan. The argument centered around the value of the mortgaged property. Hotel, in opposition to the summary judgment motion, failed to complete an appraisal “or to obtain evidence to back up [its] conclusory allegations.”

The trial court was left to decide whether an issue of fact existed on value based upon Defendant’s appraiser’s assertion that the property was worth “substantially more” than the value shown in the mortgage holder’s appraisal. In sum, the circuit court was asked to anticipate possible proof. Unsupported conclusions and speculative statements do not raise a genuine issue of fact. Paradigm at 569.

S&S is doing exactly what the Defendant in Paradigm did. It is asking this Commission to find that there is a genuine issue of material fact by “anticipating possible proof.” The “unsupported conclusions and speculative statements” in Mr. Sumption’s Affidavit clearly do not raise a genuine issue of fact.

Conclusion

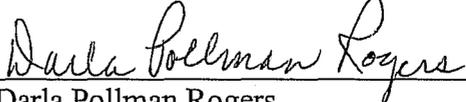
Since S&S has failed to establish that a genuine issue of material fact exists as to its current interest in the proceeding, the Commission can proceed to determine

whether S&S currently has sufficient interest in the cost study dockets to maintain its status as an intervenor party as a matter of law. Companies have established in prior proceedings before this Commission:

- (a) That S&S does not pay Companies' 2001 switched access charges, as its Certificate of Authority is revoked and it is no longer in business; thus S&S no longer has any interest in the cost study dockets;
- (b) That S&S has failed to establish a peculiar interest beyond that of the general public;
- (c) That S&S's continued presence in these dockets is prejudicial to the Companies;
- (d) That this Commission has the expertise and authority to establish switched access rates without S&S's continued participation in these dockets;
- (e) That no issue exists as to retroactive applicability of the 2001 switched access rates; and
- (f) That courts and commissions have full authority to rule upon intervenor status, including the authority to dismiss an intervenor.

Accordingly, Companies respectfully request this Commission to grant the Motion to Dismiss S&S as an intervenor in each of the above-numbered dockets. Companies also request the Commission to order that Companies are not required to respond to S&S's Second Discovery Requests.

Respectfully submitted this eighteenth day of August, 2003.



Darla Pollman Rogers
Riter, Rogers, Wattier & Brown
P. O. Box 280
Pierre, South Dakota 57501
Telephone (605) 224-7889
Attorney for Companies

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served a copy of the foregoing **RESPONSE** upon the person herein next designated, on the date below shown, by facsimile and by depositing a copy of the said Response in the United States mail at Pierre, South Dakota, postage prepaid, in an envelope addressed to said addressee, to-wit:

John W. Burke
Barker, Wilson, Reynolds & Burke, LLP
P. O. Box 100
Belle Fourche, South Dakota 57717-0100

Dated this eighteenth day of August, 2003.



Darla Pollman Rogers
Riter, Rogers, Wattier & Brown
P. O. Box 280
Pierre, South Dakota 57501
Telephone (605) 224-7889
Attorney for Companies

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

IN THE MATTER OF THE	)	FINAL DECISION AND ORDER
ESTABLISHMENT OF SWITCHED	)	GRANTING MOTION TO DISMISS
ACCESS REVENUE REQUIREMENT	)	ON SUMMARY DISPOSITION;
FOR LOCAL EXCHANGE CARRIERS	)	NOTICE OF ENTRY
ASSOCIATION)	
)	
	)	TC02-090

On July 1, 2002, the Local Exchange Carriers Association (Company) filed for approval by the Public Utilities Commission (Commission) its 2001 Intrastate Switched Access Cost Study. On July 3, 2002, the Commission electronically transmitted notice of the filing and the intervention deadline of July 19, 2002, to interested individuals and entities. On July 15, 2002, the Commission received a Petition to Intervene from S&S Communications (S&S). At its regularly scheduled meeting of July 23, 2002, the Commission granted intervention to S&S.

On July 11, 2003, Company filed a Motion to Dismiss and Motion for Extension of Time to Respond to Second Discovery Request (Company Motions). On July 24, 2003, S&S filed a Brief in Resistance to Motion to Dismiss and Motion for Extension of Time.

At its regular meeting on August 4, 2003, the Commission considered the Company Motions and voted unanimously to serve notice on the parties that S&S's Motion to Dismiss would be considered alternatively as a motion for summary judgment or as a motion to dismiss and to schedule the matter for hearing at the Commission's next regularly scheduled meeting on August 19, 2003. The Commission further voted unanimously to extend the time for Company's response to S&S's pending discovery requests until after decision on Company's Motion to Dismiss and the further order of the Commission. On August 8, 2003, the Commission issued a Notice of Intent to Consider Motion as One for Summary Judgment, Order for and Notice of Hearing; Order Extending Time for Response (Notice and Order) requesting the parties to file any affidavits or other proof demonstrating that a genuine issue of material fact exists or does not exist as to S&S's continuing interest in this proceeding sufficient to maintain party status, setting the matter for consideration and/or hearing on August 19, 2003, at 1:30 p.m. CDT at the Ramada Inn in Aberdeen, South Dakota, and extending the Company's time for response to discovery until after the issue of S&S's standing to maintain status as party is finally decided.

In response to the Commission's Notice and Order, on August 14, 2003, S&S filed an Affidavit of Les S. Sumption (Affidavit). On August 18, 2003, Company filed a Response of Companies Named in Above Dockets to Affidavit of Les S. Sumption. On August 19, 2003, the Commission, after hearing and considering the parties' filings and the arguments of counsel, voted unanimously (i) to decide that the assertions contained in the Affidavit were not sufficient to raise a genuine issue of material fact as to whether S&S continues to have an interest peculiar to it as opposed to an interest common to the public or the taxpayers in general and (ii) to grant Company's Motion to Dismiss. Accordingly, as its Final Decision on the Company's Motion to Dismiss and the Notice and Order, the Commission considering the Affidavit and the other documents and evidentiary showings in the record in the light most favorable to S&S, makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. On July 15, 2002, S&S filed a Petition to Intervene (Petition) with the Commission. At its regular meeting on July 23, 2002, the Commission voted unanimously to grant S&S's Motion to Intervene, and on August 7, 2002, the Commission issued an Order Granting Petition to Intervene. S&S has been a party to this proceeding since then.

2. The standards for intervention as a party in a proceeding before the Commission are set forth in SDCL 1-26-17.1 as follows:

A person who is not an original party to a contested case and whose pecuniary interests would be directly and immediately affected by an agency's order made upon the hearing may become a party to the hearing by intervention, if timely application therefor is made.

and in ARSD 20:10:01:15.05 as follows:

that by the outcome of the proceeding the petitioner will be bound and affected either favorably or adversely with respect to an interest peculiar to the petitioner as distinguished from an interest common to the public or to the taxpayers in general.

3. In the Petition, S&S based its assertion that its interest met these tests on the facts that "S&S is a switch-based interexchange carrier" that "provides both intra and interstate message telecommunications services to its subscribers" (Petition, ¶ 1), that to provide intrastate telecommunications services, S&S "requires . . . switched access services from the Rural Local Exchange Carriers in South Dakota" which include Company (Petition, ¶ 2), and that "[b]ecause S&S Communications purchases switched access services from [Company] any increase in the rates of such services will directly and immediately affect the pecuniary interests of S&S Communications as it will naturally affect S&S Communications' operating expenses." (Petition, ¶ 3).

4. On July 11, 2003, Company filed a Motion to Dismiss asserting that S&S no longer meets the standards for intervention set forth in SDCL 1-26-17.1 and ARSD 20:10:01:15.05 and therefore lacks standing to be a party in this case. The Company's basis for its motion is the Commission's decision in Docket No. TC02-166 to revoke S&S's certificate of authority to provide telecommunications services in South Dakota.

5. On August 8, 2003, the Commission issued a Notice of Intent to Consider Motion as One for Summary Judgment, Order for and Notice of Hearing; Order Extending Time for Response (Notice and Order) requesting the parties to file any affidavits or other proof demonstrating that a genuine issue of material fact exists or does not exist as to S&S's continuing interest in this proceeding sufficient to maintain intervenor party status.

6. The Commission takes official notice of the following matters of record in the Commission's files. On June 16, 2003, the Commission issued an Order to Show Cause and Notice of Hearing in Docket No. TC02-166 requiring S&S to appear and show cause as to why, *inter alia*, its certificate of authority to provide telecommunications services in South Dakota should not be revoked. On June 30 and July 2, 2003, the Commission held a contested case hearing on the Order to Show Cause. On July 2, 2003, following the conclusion of the evidentiary hearing and the arguments of the parties, the Commission unanimously voted to revoke S&S's certificate of authority to provide telecommunications services in South Dakota. On August 28, 2003, the Commission issued its Findings of Fact; Conclusions of Law; Notice of Entry of Order in Docket No. TC02-166 (TC02-166

Order). The TC02-166 Order was transmitted to S&S on August 29, 2003. In the TC02-166 Order, the Commission ordered *inter alia* that S&S's certificate of authority is revoked.

7. The Company's Motion to Dismiss and the Notice and Order provided sufficient notice to S&S of the Company's assertion of the Commission's action in Docket No. TC02-166 as a basis for the Commission's decision on the Motion to Dismiss to afford S&S a reasonable opportunity to refute the facts of record officially noticed in Finding 6 as provided for in SDCL 1-26-19(3).

8. The revocation of S&S's certificate of authority to provide intrastate interexchange services in the TC02-166 Order precludes S&S from utilizing the Company's switched access services to provide intrastate interexchange telecommunications services in South Dakota.

9. At the August 4, 2003 meeting at which the Company's Motion to Dismiss was first before the Commission, S&S stated that they were no longer paying for switched access services from Company.

10. In the Affidavit, Mr. Sumption states on behalf of S&S that "over the past several weeks several individuals and/or entities have expressed an interest in purchasing S&S Communications and/or its assets" (Affidavit, ¶ 5), that "S&S Communications is presently in negotiations to sell its business and/or assets" (Affidavit, ¶ 6) and that S&S's pecuniary interests will be directly and immediately affected by the Commission's decision in this matter "for the following reasons:

- (A) Subsequent to the sale, S&S Communications, regardless of the name by which it will do business, will have to purchase switched access services;
- (B) The individual and/or entity interested in purchasing S&S Communications and/or its assets has expressed some reluctance in following through with the purchase as a result of the rates presently charged for switched access services in South Dakota;
- (C) If the individual and/or entity interested in purchasing S&S Communications and/or its assets fails to follow through with the purchase, S&S Communications will be divested of a substantial amount of revenue that would have been directed to creditors and/or subscribers that lost service." (Affidavit, ¶ 7).

11. In the Affidavit, Mr. Sumption states that he is "one of the partners that owns and operates Intervenor S&S Communications." (Affidavit, ¶ 1).

12. Because S&S is a partnership, there is at least some question whether S&S could be sold to anyone as a legal entity. Furthermore, given the financial problems of S&S as documented in the TC02-166 Order and record, the Commission does not find it credible that anyone would acquire S&S as a legal entity and thereby render itself liable for S&S debts and liabilities.

13. Following revocation of its certificate of authority, S&S does not in any case have the legal right, as a matter of law, to convey to any purchaser of its assets or business either its certificate of authority or any other right to provide intrastate interexchange telecommunications services in South Dakota.

14. Following revocation of its certificate of authority, S&S does not have the legal right to continue to provide services that would involve the purchase of intrastate switched access services

from Company, and the Commission accordingly finds that the assertion stated in Affidavit, ¶ 7(A) fails as a matter of law to raise a genuine issue of material fact as to the assertion.

15. The statement in Affidavit ¶ 7(B), that "the individual and/or entity interested in purchasing S&S Communications and/or its assets has expressed some reluctance in following through with the purchase as a result of the rates presently charged for switched access services in South Dakota" is hearsay, is not legally admissible evidence and is therefore not a showing of evidence that is sufficient to raise a genuine issue of material fact as to the matter asserted. That the alleged speaker is not identified and apparently was not even identifiable as a person or entity weakens the credibility of the assertion even more.

16. Viewing the Affidavit and the other documents, admissions and evidence in the record in the light most favorable to S&S, no admissible evidence provided by or pointed to by S&S offers any concrete showing that a person or entity that has expressed interest in purchasing S&S's assets has a present intention to provide intrastate interexchange services in South Dakota and would thus incur switched access charges which could be affected by the decision in this proceeding.

17. Any person who might have an interest in purchasing the assets of S&S who is presently providing intrastate interexchange services in South Dakota has had an interest in the outcome of this proceeding that it could have asserted in a petition for intervention on its own behalf prior to now. No such petition has been filed.

18. Some concrete showing of current proximate interest is required as a condition of permitting S&S to maintain its status as an intervenor party.

19. S&S's mere assertion that it is offering telecommunications assets for sale which might possibly be sold to a person who does not now, but might desire to, provide intrastate interexchange services in South Dakota and who might theoretically have concerns about the Company's switched access revenue requirement is too speculative to meet the test for proof of standing as an intervenor and is not a sufficient showing of interest peculiar to S&S, as opposed to an interest common to the public at large, to justify S&S's intervenor party status in this proceeding.

20. Based upon the above findings, the Commission finds (i) that the Affidavit of S&S and the other documents and showings of evidence in the record in this proceeding are insufficient to demonstrate that a genuine issue of material fact is presented that would require a factual hearing as to a present interest of S&S in this proceeding that is sufficient to warrant its continued standing as an intervenor party and (ii) that after viewing all reasonable inferences to be drawn from the evidence in the record herein in favor of S&S, Company is entitled to a summary disposition as a matter of law granting Company's Motion to Dismiss S&S as an intervenor party.

21. The interests of the ultimate consumers of switched access services to be provided by Company are not peculiar to S&S as opposed to the general public and such consumer and general public interests are adequately represented in this proceeding by the Commission's Staff. Furthermore, given S&S's conduct toward the Commission and S&S's customers as set forth in the TC02-166 Order, the Commission does not find that S&S is an appropriate advocate for the interests of customers' or the general public's interests in this proceeding.

22. The evidence does not support a finding that S&S has acted in a dilatory or obstructionist manner while an intervenor party to this proceeding and such a finding has not been relied upon by the Commission in reaching its decision herein.

CONCLUSIONS OF LAW

1. The Company's Motion to Dismiss was properly filed. Notice of the Commission's intention to treat the Motion to Dismiss as a motion for summary disposition was properly filed and served upon the parties in accordance with SDCL 15-6-56 and *Richards v. Lenz*, 539 N.W.2d 80 (S.D. 1995).
2. Pursuant to SDCL 49-1-11(4), 1-26-17.1, 1-26-18, 15-6-12(c) and 15-6-56 and ARSD 20:10:01:15.05, the Commission has the authority both to deny intervention as a party for failure of the petitioner to make a sufficient showing of pecuniary interest peculiar to the petitioner and also to dismiss an intervenor party under either a motion to dismiss or a summary disposition, as appropriate, if the requisite pecuniary interest of the intervening party has ceased to exist.
3. A petition to intervene and subsequent substantive pleadings and positions asserted by an intervenor in a proceeding are "defenses or claims" subject to summary disposition pursuant to SDCL 1-26-18.
4. Intrastate switched access charges are charges made by a carrier's carrier to another carrier for use of telecommunications facilities to originate or terminate calls. ARSD 20:10:27:01(6). For a telecommunications company to be a direct purchaser and user of the Company's intrastate switched access services, as distinguished from a member of the general public indirectly purchasing such services as an end user, it must be a provider of intrastate interexchange telecommunications services. ARSD 20:10:27:01(2) and 20:10:27:02. The Commission's TC02-166 Order prohibits S&S from engaging in the provision of the intrastate interexchange services in South Dakota and hence from being a purchaser or user of switched access services. S&S is not a purchaser of Company's switched access services.
5. When challenging a summary judgment, the nonmoving party must substantiate his allegations with sufficient probative evidence that would permit a finding in his favor on more than mere speculation or conjecture. *The Estate of Frederis J. Elliot v. A&B Welding Supply Company*, 1999 S.D. 55, 594 N.W.2d 707 (1999).
6. SDCL 15-6-56(e) requires that an affidavit offered in support of opposition to a motion for summary judgment "shall be made on personal knowledge" and "shall set forth such facts as would be admissible in evidence."
6. The assertion in the Affidavit that "the individual and/or entity interested in purchasing S&S Communications and/or its assets has expressed some reluctance in following through with the purchase as a result of the rates presently charged from switched access services in South Dakota" is hearsay and is not a fact admissible in evidence.
7. The remaining assertions in the Affidavit amount to an argument that S&S has standing to intervene due to the ownership of assets whose value might be affected by the fact that they could be used by a potential purchaser to become a provider of intrastate interexchange service in South Dakota who would thus require switched access services of Company. This argument demonstrates only a mere possibility and is not a showing of interest in the Company's switched access revenue requirement that is sufficiently proximate to justify party intervenor status.
8. The interests of the consumers of switched access services in South Dakota are represented by the Commission Staff in this proceeding, and S&S has made no showing that Commission Staff is not providing adequate representation of such interest.

9. S&S has failed to make a sufficient showing that a genuine issue of material fact is presented as to a pecuniary interest peculiar to S&S in this proceeding and the Commission concludes that a genuine issue of material fact is not presented.

10. S&S's asserted pecuniary interest arising from its ownership of assets that might be used in South Dakota by a purchaser of such assets to provide telecommunications services that would require the purchase of switched access services from Company is not proof of a sufficiently proximate interest in the outcome of this proceeding to justify intervenor party status.

11. Company is entitled to disposition in its favor as a matter of law of its Motion to Dismiss considered as a motion for summary disposition.

12. Company's Motion to Dismiss is granted.

13. Despite its dismissal as a party to this proceeding, the partners of S&S and/or the owners of its assets may request the right to appear and be heard in this proceeding as non-party participants pursuant to ARSD 20:10:01:15.06.

It is therefore

ORDERED, that the Company's Motion to Dismiss S&S Communications as an intervenor party to this proceeding is granted and S&S Communications is accordingly dismissed as an intervenor party.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that this Order was duly entered on the 9th day of September, 2003. Pursuant to SDCL 1-26-32, this Order will take effect 10 days after the date of receipt or failure to accept delivery of the decision by the parties.

Dated at Pierre, South Dakota, this 9th day of September, 2003.

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>Belaine Kalbo</u>
Date:	<u>9/9/03</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman *JK*

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION**

RECEIVED

NOV 03 2003

**BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES TO BECOME EFFECTIVE UPON PUC APPROVAL OF THE COST STUDIES**
(Includes Revised Data For Companies Filing 2001 Cost Studies, Jul'03 - Nov'03 True-up & MOU Shortfall Recovery)

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

ACCESS ELEMENT	BALTIC TELECOM COOP.	BERESFORD MUNICIPAL TEL. CO.	BRIDGEWATER-CANISTOTA IND. TEL. CO.	BROOKINGS MUNICIPAL TELEPHONE	CHEYENNE RIVER SIOUX TRIBE TEL.	EAST PLAINS TELECOM	GOLDEN WEST TELECOM	INTERSTATE TELECOM. COOP. INC.	JAMES VALLEY	KENNEBEC TELEPHONE COMPANY
REVENUE REQUIREMENT										
Carrier Common Line	\$221,582	\$52,894	\$101,605	\$591,690	\$529,401	\$111,143	\$2,427,479	\$1,252,032	\$638,787	\$169,399
Local Switching	\$114,285	\$101,569	\$48,892	\$632,006	\$115,174	\$87,611	\$882,681	\$789,317	\$200,944	\$117,202
Transport	\$93,282	\$52,647	\$89,945	\$436,049	\$213,762	\$136,708	\$1,638,818	\$866,855	\$250,360	\$151,858
Total Revenue Req.	\$429,149	\$207,110	\$240,442	\$1,659,745	\$858,337	\$335,462	\$4,948,978	\$2,908,204	\$1,090,091	\$438,459
ORIGINATING ACCESS MINUTES										
Carrier Common Line	1,701,870	1,308,956	1,639,965	8,401,635	2,747,408	1,602,010	14,907,979	16,150,127	6,378,069	1,290,221
Local Switching	1,701,870	1,308,956	1,639,965	8,401,635	2,747,408	1,602,010	14,907,979	16,150,127	6,378,069	1,290,221
Transport	1,701,870	1,308,956	1,639,965	8,401,635	2,747,408	1,602,010	14,907,979	16,150,127	6,378,069	1,290,221
TERMINATING ACCESS MINUTES										
Carrier Common Line	2,025,327	1,605,511	1,565,481	17,306,138	1,064,793	2,183,436	21,539,955	15,394,106	4,362,207	1,160,561
Local Switching	2,025,327	1,605,511	1,565,481	17,306,138	1,064,793	2,183,436	21,539,955	15,394,106	4,362,207	1,160,561
Transport	2,025,327	1,605,511	1,565,481	17,306,138	1,064,793	2,183,436	21,539,955	15,394,106	4,362,207	1,160,561
TOTAL ACCESS MINUTES										
Carrier Common Line	3,727,197	2,914,467	3,205,446	25,707,773	3,812,201	3,785,446	36,447,934	31,544,233	10,740,276	2,450,782
Local Switching	3,727,197	2,914,467	3,205,446	25,707,773	3,812,201	3,785,446	36,447,934	31,544,233	10,740,276	2,450,782
Transport	3,727,197	2,914,467	3,205,446	25,707,773	3,812,201	3,785,446	36,447,934	31,544,233	10,740,276	2,450,782

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION**

BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES

ACCESS RATES TO BECOME EFFECTIVE UPON PUC APPROVAL OF THE COST STUDIES

(Includes Revised Data For Companies Filing 2001 Cost Studies, Jul'03 - Nov'03 True-up & MOU Shortfall Recovery)

ACCESS ELEMENT	McCOOK COOP TEL. CO.	MIDSTATE COMM. INC.	MOBRIDGE TELECOM. COMPANY	RC COMM. & ROBERTS COUNTY	SANBORN TEL. & SANCOM	SIoux VALLEY TEL. CO.	SPLITROCK PROPERTIES INC.	SPLITROCK TELECOM. COOP. INC.	STOCKHOLM-STRANDBURG TEL. CO.	SULLY BUTTES TELEPHONE
REVENUE REQUIREMENT										
Carrier Common Line	\$217,828	\$783,502	\$173,122	\$430,608	\$771,937	\$517,857	\$135,443	\$281,419	\$86,791	\$1,587,974
Local Switching	\$255,611	\$292,461	\$41,900	\$119,622	\$178,430	\$270,133	\$88,135	\$146,676	\$65,866	\$749,168
Transport	\$523,691	\$516,721	\$175,789	\$362,659	\$476,179	\$266,365	\$178,619	\$162,465	\$121,454	\$1,739,215
Total Revenue Req.	\$997,130	\$1,592,684	\$390,811	\$912,889	\$1,426,546	\$1,054,355	\$402,197	\$590,560	\$274,111	\$4,076,357
ORIGINATING ACCESS MINUTES										
Carrier Common Line	3,221,042	5,238,508	2,041,006	1,896,849	6,894,217	6,775,082	2,178,637	3,406,689	856,973	19,967,089
Local Switching	3,221,042	5,238,508	2,041,006	1,896,849	6,894,217	6,775,082	2,178,637	3,406,689	856,973	19,967,089
Transport	3,221,042	5,238,508	2,041,006	1,896,849	6,894,217	6,775,082	2,178,637	3,406,689	856,973	19,967,089
TERMINATING ACCESS MINUTES										
Carrier Common Line	2,927,514	4,783,403	2,245,913	2,061,766	4,861,347	7,854,747	1,770,431	3,343,935	696,474	17,946,214
Local Switching	2,927,514	4,783,403	2,245,913	2,061,766	4,864,452	7,854,747	1,770,431	3,343,935	696,474	17,982,980
Transport	2,927,514	4,783,403	2,245,913	2,061,766	4,864,452	7,854,747	1,770,431	3,343,935	696,474	17,982,980
TOTAL ACCESS MINUTES										
Carrier Common Line	6,148,556	10,021,911	4,286,919	3,958,615	11,755,564	14,629,829	3,949,068	6,750,624	1,553,447	37,913,303
Local Switching	6,148,556	10,021,911	4,286,919	3,958,615	11,758,669	14,629,829	3,949,068	6,750,624	1,553,447	37,950,069
Transport	6,148,556	10,021,911	4,286,919	3,958,615	11,758,669	14,629,829	3,949,068	6,750,624	1,553,447	37,950,069

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES TO BECOME EFFECTIVE UPON PUC APPROVAL OF THE COST STUDIES
(Includes Revised Data For Companies Filing 2001 Cost Studies, Jul'03 - Nov'03 True-up & MOU Shortfall Recovery)**

ACCESS ELEMENT	TRI - COUNTY TELCOM	UNION TELEPHONE COMPANY	VALLEY TELECOM COOP.	VIVIAN TELEPHONE COMPANY	W. RIVER COOP. TEL. (Bison,SD)	W. RIVER TELECOM (Hazen, ND)	WESTERN TELEPHONE COMPANY	TOTAL FOR LECA COST COMPANIES
REVENUE REQUIREMENT								
Carrier Common Line	\$29,546	\$178,720	\$670,080	\$2,079,222	\$517,560	\$145,293	\$137,926	\$14,840,840
Local Switching	\$51,740	\$60,918	\$121,015	\$1,101,528	\$0	\$32,125	\$108,007	\$6,773,016
Transport	\$118,241	\$143,709	\$509,860	\$1,124,734	\$334,435	\$17,122	\$80,731	\$10,782,273
Total Revenue Req.	\$199,527	\$383,347	\$1,300,955	\$4,305,484	\$851,995	\$194,540	\$326,664	\$32,396,129
ORIGINATING ACCESS MINUTES								
Carrier Common Line	774,230	1,392,461	4,370,527	24,017,247	5,012,908	633,095	1,364,934	146,169,734
Local Switching	774,230	1,392,461	4,370,527	24,017,247	5,012,908	633,095	1,364,934	146,169,734
Transport	774,230	1,392,461	4,370,527	24,017,247	5,012,908	633,095	1,364,934	146,169,734
TERMINATING ACCESS MINUTES								
Carrier Common Line	238,812	1,416,842	4,634,558	22,090,294	2,671,423	930,600	1,717,530	150,399,318
Local Switching	238,812	1,416,842	4,634,558	22,090,294	2,671,423	930,600	1,717,530	150,439,189
Transport	238,812	1,416,842	4,634,558	22,090,294	2,671,423	930,600	1,717,530	150,439,189
TOTAL ACCESS MINUTES								
Carrier Common Line	1,013,042	2,809,303	9,005,085	46,107,541	7,684,331	1,563,695	3,082,464	296,569,052
Local Switching	1,013,042	2,809,303	9,005,085	46,107,541	7,684,331	1,563,695	3,082,464	296,608,923
Transport	1,013,042	2,809,303	9,005,085	46,107,541	7,684,331	1,563,695	3,082,464	296,608,923

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES TO BECOME EFFECTIVE UPON PUC APPROVAL OF THE COST STUDIES
(Includes Revised Data For Companies Filing 2001 Cost Studies, Jul'03 - Nov'03 True-up & MOU Shortfall Recovery)**

**DATA PERTAINING TO ALL COST COMPANIES IN
STATE WITH LESS THAN 100,000 ACCESS LINES:**

<u>REVENUE REQUIREMENT</u>	<u>LECA MEMBER COMPANIES</u>	<u>DAKOTA</u>	<u>FT. RANDALL TEL. & MT. RUSHMORE TEL.</u>	<u>TOTAL</u>	<u>MINUTES</u>	<u>STATEWIDE AVERAGE ACCESS RATE</u>
CARRIER COMMON LINE	\$14,840,840	\$1,311,506	\$692,052	\$16,844,398	327,243,976	\$0.0515
LOCAL SWITCHING	\$6,773,016	\$548,259	\$271,668	\$7,592,943	327,283,847	\$0.0232
TRANSPORT	\$10,782,273	\$1,040,126	\$110,862	\$11,933,261	327,283,847	\$0.0365
TOTALS	\$32,396,129	\$2,899,891	\$1,074,582	\$36,370,602		\$0.1112

ACCESS MINUTES

CARRIER COMMON LINE	296,569,052	19,132,863	11,542,061	327,243,976
LOCAL SWITCHING	296,608,923	19,132,863	11,542,061	327,283,847
TRANSPORT	296,608,923	19,132,863	11,542,061	327,283,847

<u>EXEMPT LECA MEMBER COS.</u>	<u>INTRASTATE ACCESS MINUTES</u>			<u>REVENUE REQUIREMENTS BY ELEMENT</u>			
	<u>CARRIER COMMON LINE</u>	<u>LOCAL SWITCHING</u>	<u>TRANSPORT</u>	<u>CARRIER COMMON LINE</u>	<u>LOCAL SWITCHING</u>	<u>TRANSPORT</u>	<u>TOTAL</u>
ARMOUR	1,965,728	1,965,728	1,965,728	\$101,235	\$45,605	\$71,749	\$218,589
FAITH MUNICIPAL	1,030,806	1,030,806	1,030,806	\$53,087	\$23,915	\$37,624	\$114,626
JEFFERSON	1,384,017	1,384,017	1,384,017	\$71,277	\$32,109	\$50,517	\$153,903
TOTAL	4,380,551	4,380,551	4,380,551	\$225,599	\$101,629	\$159,890	\$487,118

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES TO BECOME EFFECTIVE UPON PUC APPROVAL OF THE COST STUDIES
(Includes Revised Data For Companies Filing 2001 Cost Studies, Jul'03 - Nov'03 True-up & MOU Shortfall Recovery)**

ACCESS ELEMENT	ARMOUR INDEPEND. TELEPHONE	BALTIC TELECOM COOP.	BERESFORD MUNICIPAL TEL. CO.	BRIDGEWATER-CANISTOTA IND. TEL. CO.	BROOKINGS MUNICIPAL TELEPHONE	CHEYENNE RIVER SIOUX TRIBE TEL.	EAST PLAINS TELECOM	FAITH MUNICIPAL TELEPHONE	GOLDEN WEST TELECOM	INTERSTATE TELECOM. COOP. INC.
REVENUE REQUIREMENT										
Carrier Common Line	\$101,235	\$221,582	\$52,894	\$101,605	\$591,690	\$529,401	\$111,143	\$53,087	\$2,427,479	\$1,252,032
Local Switching	\$45,605	\$114,285	\$101,569	\$48,892	\$632,006	\$115,174	\$87,611	\$23,915	\$882,681	\$789,317
Transport	\$71,749	\$93,282	\$52,647	\$89,945	\$436,049	\$213,762	\$136,708	\$37,624	\$1,638,818	\$866,855
Total Revenue Req.	\$218,589	\$429,149	\$207,110	\$240,442	\$1,659,745	\$858,337	\$335,462	\$114,626	\$4,948,978	\$2,908,204
ORIGINATING ACCESS MINUTES										
Carrier Common Line	866,374	1,701,870	1,308,956	1,639,965	8,401,635	2,747,408	1,602,010	387,319	14,907,979	16,150,127
Local Switching	866,374	1,701,870	1,308,956	1,639,965	8,401,635	2,747,408	1,602,010	387,319	14,907,979	16,150,127
Transport	866,374	1,701,870	1,308,956	1,639,965	8,401,635	2,747,408	1,602,010	387,319	14,907,979	16,150,127
TERMINATING ACCESS MINUTES										
Carrier Common Line	1,099,354	2,025,327	1,605,511	1,565,481	17,306,138	1,064,793	2,183,436	643,487	21,539,955	15,394,106
Local Switching	1,099,354	2,025,327	1,605,511	1,565,481	17,306,138	1,064,793	2,183,436	643,487	21,539,955	15,394,106
Transport	1,099,354	2,025,327	1,605,511	1,565,481	17,306,138	1,064,793	2,183,436	643,487	21,539,955	15,394,106
TOTAL ACCESS MINUTES										
Carrier Common Line	1,965,728	3,727,197	2,914,467	3,205,446	25,707,773	3,812,201	3,785,446	1,030,806	36,447,934	31,544,233
Local Switching	1,965,728	3,727,197	2,914,467	3,205,446	25,707,773	3,812,201	3,785,446	1,030,806	36,447,934	31,544,233
Transport	1,965,728	3,727,197	2,914,467	3,205,446	25,707,773	3,812,201	3,785,446	1,030,806	36,447,934	31,544,233

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES TO BECOME EFFECTIVE UPON PUC APPROVAL OF THE COST STUDIES
(Includes Revised Data For Companies Filing 2001 Cost Studies, Jul'03 - Nov'03 True-up & MOU Shortfall Recovery)**

ACCESS ELEMENT	JAMES VALLEY	JEFFERSON TELEPHONE COMPANY	KENNEBEC TELEPHONE COMPANY	McCOOK COOP TEL. CO.	MIDSTATE COMM. INC.	MOBRIDGE TELECOM. COMPANY	RC COMM. & ROBERTS COUNTY	SANBORN TEL. & SANCOM	SIOUX VALLEY TEL. CO.	SPLITROCK PROPERTIES INC.
REVENUE REQUIREMENT										
Carrier Common Line	\$638,787	\$71,277	\$169,399	\$217,828	\$783,502	\$173,122	\$430,608	\$771,937	\$517,857	\$135,443
Local Switching	\$200,944	\$32,109	\$117,202	\$255,611	\$292,461	\$41,900	\$119,622	\$178,430	\$270,133	\$88,135
Transport	\$250,360	\$50,517	\$151,858	\$523,691	\$516,721	\$175,789	\$362,659	\$476,179	\$266,365	\$178,619
Total Revenue Req.	\$1,090,091	\$153,903	\$438,459	\$997,130	\$1,592,684	\$390,811	\$912,889	\$1,426,546	\$1,054,355	\$402,197
ORIGINATING ACCESS MINUTES										
Carrier Common Line	6,378,069	639,279	1,290,221	3,221,042	5,238,508	2,041,006	1,896,849	6,894,217	6,775,082	2,178,637
Local Switching	6,378,069	639,279	1,290,221	3,221,042	5,238,508	2,041,006	1,896,849	6,894,217	6,775,082	2,178,637
Transport	6,378,069	639,279	1,290,221	3,221,042	5,238,508	2,041,006	1,896,849	6,894,217	6,775,082	2,178,637
TERMINATING ACCESS MINUTES										
Carrier Common Line	4,362,207	744,738	1,160,561	2,927,514	4,783,403	2,245,913	2,061,766	4,861,347	7,854,747	1,770,431
Local Switching	4,362,207	744,738	1,160,561	2,927,514	4,783,403	2,245,913	2,061,766	4,864,452	7,854,747	1,770,431
Transport	4,362,207	744,738	1,160,561	2,927,514	4,783,403	2,245,913	2,061,766	4,864,452	7,854,747	1,770,431
TOTAL ACCESS MINUTES										
Carrier Common Line	10,740,276	1,384,017	2,450,782	6,148,556	10,021,911	4,286,919	3,958,615	11,755,564	14,629,829	3,949,068
Local Switching	10,740,276	1,384,017	2,450,782	6,148,556	10,021,911	4,286,919	3,958,615	11,758,669	14,629,829	3,949,068
Transport	10,740,276	1,384,017	2,450,782	6,148,556	10,021,911	4,286,919	3,958,615	11,758,669	14,629,829	3,949,068

LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES TO BECOME EFFECTIVE UPON PUC APPROVAL OF THE COST STUDIES
(Includes Revised Data For Companies Filing 2001 Cost Studies, Jul'03 - Nov'03 True-up & MOU Shortfall Recovery)

ACCESS ELEMENT	SPLITROCK TELECOM. COOP. INC.	STOCKHOLM-STRANDBURG TEL. CO.	SULLY BUTTES TELEPHONE	TRI-COUNTY TELCOM	UNION TELEPHONE COMPANY	VALLEY TELECOM COOP.	VIVIAN TELEPHONE COMPANY	W. RIVER COOP. TEL. (Bison, SD)	W. RIVER TELECOM (Hazen, ND)	WESTERN TELEPHONE COMPANY
REVENUE REQUIREMENT										
Carrier Common Line	\$281,419	\$86,791	\$1,587,974	\$29,546	\$178,720	\$670,080	\$2,079,222	\$517,560	\$145,293	\$137,926
Local Switching	\$146,676	\$65,866	\$749,168	\$51,740	\$60,918	\$121,015	\$1,101,528	\$0	\$32,125	\$108,007
Transport	\$162,465	\$121,454	\$1,739,215	\$118,241	\$143,709	\$509,860	\$1,124,734	\$334,435	\$17,122	\$80,731
Total Revenue Req.	\$590,560	\$274,111	\$4,076,357	\$199,527	\$383,347	\$1,300,955	\$4,305,484	\$851,995	\$194,540	\$326,664
ORIGINATING ACCESS MINUTES										
Carrier Common Line	3,406,689	856,973	19,967,089	774,230	1,392,461	4,370,527	24,017,247	5,012,908	633,095	1,364,934
Local Switching	3,406,689	856,973	19,967,089	774,230	1,392,461	4,370,527	24,017,247	5,012,908	633,095	1,364,934
Transport	3,406,689	856,973	19,967,089	774,230	1,392,461	4,370,527	24,017,247	5,012,908	633,095	1,364,934
TERMINATING ACCESS MINUTES										
Carrier Common Line	3,343,935	696,474	17,946,214	238,812	1,416,842	4,634,558	22,090,294	2,671,423	930,600	1,717,530
Local Switching	3,343,935	696,474	17,982,980	238,812	1,416,842	4,634,558	22,090,294	2,671,423	930,600	1,717,530
Transport	3,343,935	696,474	17,982,980	238,812	1,416,842	4,634,558	22,090,294	2,671,423	930,600	1,717,530
TOTAL ACCESS MINUTES										
Carrier Common Line	6,750,624	1,553,447	37,913,303	1,013,042	2,809,303	9,005,085	46,107,541	7,684,331	1,563,695	3,082,464
Local Switching	6,750,624	1,553,447	37,950,069	1,013,042	2,809,303	9,005,085	46,107,541	7,684,331	1,563,695	3,082,464
Transport	6,750,624	1,553,447	37,950,069	1,013,042	2,809,303	9,005,085	46,107,541	7,684,331	1,563,695	3,082,464

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES TO BECOME EFFECTIVE UPON PUC APPROVAL OF THE COST STUDIES
(Includes Revised Data For Companies Filing 2001 Cost Studies, Jul'03 - Nov'03 True-up & MOU Shortfall Recovery)**

ACCESS ELEMENT	TOTAL FOR LECA MEMBER COMPANIES
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REVENUE REQUIREMENT

Carrier Common Line	\$15,066,439
Local Switching	\$6,874,645
Transport	<u>\$10,942,163</u>
Total Revenue Req.	\$32,883,247

**ORIGINATING
ACCESS MINUTES**

Carrier Common Line	148,062,706
Local Switching	148,062,706
Transport	148,062,706

**TERMINATING
ACCESS MINUTES**

Carrier Common Line	152,886,897
Local Switching	152,926,768
Transport	152,926,768

**TOTAL
ACCESS MINUTES**

Carrier Common Line	300,949,603
Local Switching	300,989,474
Transport	300,989,474

**LOCAL EXCHANGE CARRIERS ASSOCIATION
INTRASTATE ACCESS RATE CALCULATION
BASED ON DATA PROVIDED BY LECA MEMBER COMPANIES
ACCESS RATES TO BECOME EFFECTIVE UPON PUC APPROVAL OF THE COST STUDIES
(Includes Revised Data For Companies Filing 2001 Cost Studies, Jul'03 - Nov'03 True-up & MOU Shortfall Recovery)**

ACCESS ELEMENT	REVENUE REQUIREMENT TRUE-UP	ITC SHORTFALL RECOVERY	ADJUSTED REVENUE REQUIREMENT	RATE PER ORIG. AND TERM. MIN.	PERCENT TO TOTAL	ORIGINATING ACCESS RATE	ORIGINATING ACCESS REVENUE	NET TERMINATING REV. REQ.	TERMINATING ACCESS RATE
	Exhibit A	Exhibit B							

REVENUE REQUIREMENT

Carrier Common Line	(\$4,271)	\$111,916	\$15,174,084		68.8856%	\$0.0436	\$6,455,534	\$8,718,550	\$0.0570
Local Switching	(\$71,927)	\$51,131	\$6,853,849		<u>31.1144%</u>	\$0.0197	\$2,916,835	\$3,937,014	\$0.0258
Transport	<u>(\$51,736)</u>	<u>\$81,953</u>	<u>\$10,972,380</u>	\$0.0365					
Totals	(\$127,934)	\$245,000	\$33,000,313		100.0000%	\$0.0633			

ORIGINATING ACCESS MINUTES

Carrier Common Line	148,062,706
Local Switching	148,062,706
Transport	148,062,706

ORIGINATING ACCESS RATES / MOU	TERMINATING ACCESS RATES / MOU
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CARRIER COMMON LINE	\$0.0436	\$0.0570
LOCAL SWITCHING	\$0.0197	\$0.0258
TRANSPORT	<u>\$0.0365</u>	<u>\$0.0365</u>
TOTAL	<u>\$0.0998</u>	<u>\$0.1193</u>

TERMINATING ACCESS MINUTES

Carrier Common Line	152,886,897
Local Switching	152,926,768
Transport	152,926,768

**LOCAL EXCHANGE CARRIERS ASSOCIATION
MONTHLY SETTLEMENT STATEMENT COMPARISON**

ACCESS ELEMENT	ARMOUR INDEP. TELEPHONE	BALTIC TELECOM COOP.	BERESFORD MUNICIPAL TEL. CO.	BRIDGEWATER-CANISTOTA IND. TEL.	BROOKINGS MUNICIPAL TELEPHONE	CHEYENNE RIVER SIOUX TRIBE	EAST PLAINS TELECOM	FAITH MUNICIPAL TELEPHONE	GOLDEN WEST TELECOM	INTERSTATE TELECOM. COOP.
ORIGINATING ACCESS REVENUE										
Carrier Common Line	\$37,774	\$74,202	\$57,070	\$71,502	\$366,311	\$119,787	\$69,848	\$16,887	\$649,988	\$704,146
Local Switching	\$17,068	\$33,527	\$25,786	\$32,307	\$165,512	\$54,124	\$31,560	\$7,630	\$293,687	\$318,158
Transport	\$31,623	\$62,118	\$47,777	\$59,859	\$306,660	\$100,280	\$58,473	\$14,137	\$544,141	\$589,480
Total Orig. Revenue	\$86,465	\$169,847	\$130,633	\$163,668	\$838,483	\$274,191	\$159,881	\$38,654	\$1,487,816	\$1,611,784
TERMINATING ACCESS REVENUE										
Carrier Common Line	\$62,663	\$115,444	\$91,514	\$89,232	\$986,450	\$60,693	\$124,456	\$36,679	\$1,227,777	\$877,464
Local Switching	\$28,363	\$52,253	\$41,422	\$40,389	\$446,498	\$27,472	\$56,333	\$16,602	\$555,731	\$397,168
Transport	\$40,126	\$73,924	\$58,601	\$57,140	\$631,674	\$38,865	\$79,695	\$23,487	\$786,208	\$561,885
Total Term. Revenue	\$131,152	\$241,621	\$191,537	\$186,761	\$2,064,622	\$127,030	\$260,484	\$76,768	\$2,569,716	\$1,836,517
TOTAL ACCESS REVENUE										
Carrier Common Line	\$100,437	\$189,646	\$148,584	\$160,734	\$1,352,761	\$180,480	\$194,304	\$53,566	\$1,877,765	\$1,581,610
Local Switching	\$45,431	\$85,780	\$67,208	\$72,696	\$612,010	\$81,596	\$87,893	\$24,232	\$849,418	\$715,326
Transport	\$71,749	\$136,042	\$106,378	\$116,999	\$938,334	\$139,145	\$138,168	\$37,624	\$1,330,349	\$1,151,365
Total Annual Access Revenue	\$217,617	\$411,468	\$322,170	\$350,429	\$2,903,105	\$401,221	\$420,365	\$115,422	\$4,057,532	\$3,448,301
Rev Req Filed	\$218,589	\$429,149	\$207,110	\$240,442	\$1,659,745	\$858,337	\$335,462	\$114,626	\$4,948,978	\$2,908,204
Prorated Rev Req True-up	(\$850)	(\$1,670)	(\$806)	(\$935)	(\$6,457)	(\$3,339)	(\$1,305)	(\$446)	(\$19,254)	(\$11,315)
Adjust Rev Req	\$217,739	\$427,479	\$206,304	\$239,507	\$1,653,288	\$854,998	\$334,157	\$114,180	\$4,929,724	\$2,896,889
Excess/(Deficiency)	(\$122)	(\$16,011)	\$115,866	\$110,922	\$1,249,817	(\$453,777)	\$86,208	\$1,242	(\$872,192)	\$551,412
Proposed Mo. Stmt.	(\$10)	(\$1,334)	\$9,655	\$9,244	\$104,151	(\$37,815)	\$7,184	\$103	(\$72,683)	\$45,951

**LOCAL EXCHANGE CARRIERS ASSOCIATION
MONTHLY SETTLEMENT STATEMENT COMPARISON**

ACCESS ELEMENT	JAMES VALLEY	JEFFERSON TELEPHONE COMPANY	KENNEBEC TELEPHONE COMPANY	McCOOK COOP TEL. CO.	MIDSTATE COMMUNICATIONS	MOBRIDGE TELECOM. COMPANY	RC COMM. & ROBERTS COUNTY	SANBORN TEL. & SANCOM	SIoux VALLEY TEL. CO.	SPLITROCK PROPERTIES
ORIGINATING ACCESS REVENUE										
Carrier Common Line	\$278,084	\$27,873	\$56,254	\$140,437	\$228,399	\$88,988	\$82,703	\$300,588	\$295,394	\$94,989
Local Switching	\$125,648	\$12,594	\$25,417	\$63,455	\$103,199	\$40,208	\$37,368	\$135,816	\$133,469	\$42,919
Transport	\$232,800	\$23,334	\$47,093	\$117,568	\$191,206	\$74,497	\$69,235	\$251,639	\$247,290	\$79,520
Total Orig. Revenue	\$636,532	\$63,801	\$128,764	\$321,460	\$522,804	\$203,693	\$189,306	\$688,043	\$676,153	\$217,428
TERMINATING ACCESS REVENUE										
Carrier Common Line	\$248,646	\$42,450	\$66,152	\$166,868	\$272,654	\$128,017	\$117,521	\$277,097	\$447,721	\$100,915
Local Switching	\$112,545	\$19,214	\$29,942	\$75,530	\$123,412	\$57,945	\$53,194	\$125,503	\$202,652	\$45,677
Transport	\$159,221	\$27,183	\$42,360	\$106,854	\$174,594	\$81,976	\$75,254	\$177,552	\$286,698	\$64,621
Total Term. Revenue	\$520,412	\$88,847	\$138,454	\$349,252	\$570,660	\$267,938	\$245,969	\$580,152	\$937,071	\$211,213
TOTAL ACCESS REVENUE										
Carrier Common Line	\$526,730	\$70,323	\$122,406	\$307,305	\$501,053	\$217,005	\$200,224	\$577,685	\$743,115	\$195,904
Local Switching	\$238,193	\$31,808	\$55,359	\$138,985	\$226,611	\$98,153	\$90,562	\$261,319	\$336,121	\$88,596
Transport	\$392,021	\$50,517	\$89,453	\$224,422	\$365,800	\$156,473	\$144,489	\$429,191	\$533,988	\$144,141
Total Annual Access Revenue	\$1,156,944	\$152,648	\$267,218	\$670,712	\$1,093,464	\$471,631	\$435,275	\$1,268,195	\$1,613,224	\$428,641
Rev Req Filed	\$1,090,091	\$153,903	\$438,459	\$997,130	\$1,592,684	\$390,811	\$912,889	\$1,426,546	\$1,054,355	\$402,197
Prorated Rev Req										
True-up	(\$4,241)	(\$599)	(\$1,706)	(\$3,879)	(\$6,196)	(\$1,520)	(\$3,552)	(\$5,550)	(\$4,102)	(\$1,565)
Adjust Rev Req	\$1,085,850	\$153,304	\$436,753	\$993,251	\$1,586,488	\$389,291	\$909,337	\$1,420,996	\$1,050,253	\$400,632
Excess/(Deficiency)	\$71,094	(\$656)	(\$169,535)	(\$322,539)	(\$493,024)	\$82,340	(\$474,062)	(\$152,801)	\$562,971	\$28,009
Proposed Mo. Sttmt.	\$5,925	(\$55)	(\$14,128)	(\$26,878)	(\$41,085)	\$6,862	(\$39,505)	(\$12,733)	\$46,914	\$2,334

**LOCAL EXCHANGE CARRIERS ASSOCIATION
MONTHLY SETTLEMENT STATEMENT COMPARISON**

ACCESS ELEMENT	SPLITROCK TELECOM. COOP.	STOCKHOLM-STRANDBURG TEL. CO.	SULLY BUTTES & VENTURE	TRI-COUNTY TELCOM	UNION TELEPHONE COMPANY	VALLEY TEL. & VCSC	VIVIAN TELEPHONE COMPANY	W. RIVER COOP. TEL. (Bison,SD)	W. RIVER TELECOM (Hazen, ND)	WESTERN TELEPHONE COMPANY	TOTAL FOR LECA COST COMPANIES
ORIGINATING ACCESS REVENUE											
Carrier Common Line	\$148,532	\$37,364	\$870,565	\$33,756	\$60,711	\$190,555	\$1,047,152	\$218,563	\$27,603	\$59,511	\$6,455,536
Local Switching	\$67,112	\$16,882	\$393,352	\$15,252	\$27,431	\$86,099	\$473,140	\$98,754	\$12,472	\$26,889	\$2,916,835
Transport	\$124,344	\$31,280	\$728,799	\$28,259	\$50,825	\$159,524	\$876,630	\$182,971	\$23,108	\$49,820	\$5,404,290
Total Orig. Revenue	\$339,988	\$85,526	\$1,992,716	\$77,267	\$138,967	\$436,178	\$2,396,922	\$500,288	\$63,183	\$136,220	\$14,776,661
TERMINATING ACCESS REVENUE											
Carrier Common Line	\$190,604	\$39,699	\$1,022,934	\$13,612	\$80,760	\$264,170	\$1,259,147	\$152,271	\$53,044	\$97,899	\$8,714,553
Local Switching	\$86,274	\$17,969	\$463,961	\$6,161	\$36,555	\$119,572	\$569,930	\$68,923	\$24,009	\$44,312	\$3,945,511
Transport	\$122,054	\$25,421	\$656,379	\$8,717	\$51,715	\$169,161	\$806,296	\$97,507	\$33,967	\$62,690	\$5,581,825
Total Term. Revenue	\$398,932	\$83,089	\$2,143,274	\$28,490	\$169,030	\$552,903	\$2,635,373	\$318,701	\$111,020	\$204,901	\$18,241,889
TOTAL ACCESS REVENUE											
Carrier Common Line	\$339,136	\$77,063	\$1,893,499	\$47,368	\$141,471	\$454,725	\$2,306,299	\$370,834	\$80,647	\$157,410	\$15,170,089
Local Switching	\$153,386	\$34,851	\$857,313	\$21,413	\$63,986	\$205,671	\$1,043,070	\$167,677	\$36,481	\$71,201	\$6,862,346
Transport	\$246,398	\$56,701	\$1,385,178	\$36,976	\$102,540	\$328,685	\$1,682,926	\$280,478	\$57,075	\$112,510	\$10,986,115
Total Annual Access Revenue	\$738,920	\$168,615	\$4,135,990	\$105,757	\$307,997	\$989,081	\$5,032,295	\$818,989	\$174,203	\$341,121	\$33,018,550
Rev Req Filed	\$590,560	\$274,111	\$4,076,357	\$199,527	\$383,347	\$1,300,955	\$4,305,484	\$851,995	\$194,540	\$326,664	\$32,883,247
Prorated Rev Req											
True-up	(\$2,298)	(\$1,066)	(\$15,859)	(\$776)	(\$1,491)	(\$5,061)	(\$16,751)	(\$3,315)	(\$757)	(\$1,271)	(\$127,934)
Adjust Rev Req	\$588,262	\$273,045	\$4,060,498	\$198,751	\$381,856	\$1,295,894	\$4,288,733	\$848,680	\$193,783	\$325,393	\$32,755,313
Excess/(Deficiency)	\$150,658	(\$104,430)	\$75,492	(\$92,994)	(\$73,859)	(\$306,813)	\$743,562	(\$29,691)	(\$19,580)	\$15,728	\$263,237
Proposed Mo. Stmt.	\$12,555	(\$8,702)	\$6,291	(\$7,749)	(\$6,155)	(\$25,568)	\$61,963	(\$2,474)	(\$1,632)	\$1,311	\$21,937
											Shortfall Recovery due to ITC monthly
											Monthly Settlement Excess Less Shortfall Recovery
											\$20,417
											\$1,520

Local Exchange Carriers Association
Revenue Requirement True-up*

	(A)	(B)	(C) = (B - A)	(D) = (C / 12X5)
	7/03 Effective Revenue Requirement	12/03 LEC filings Revenue Requirement	Annual Change in Revenue Requirement	5 Month Change in Revenue Requirement
Carrier Common Line	\$15,076,690	\$15,066,439	(\$10,251)	(\$4,271)
Local Switching	\$7,047,269	\$6,874,645	(\$172,624)	(\$71,927)
Transport	\$11,066,330	\$10,942,163	(\$124,167)	(\$51,736)
Total	\$33,190,289	\$32,883,247	(\$307,042)	(\$127,934)

* The SD Public Utilities Commission approved the LECA rates to be effective July 1, 2003 subject to refund, pending the approval of the corresponding 2001 cost studies. The PUC staff requested each company to complete a revision to remove the uncollectibles associated with Global Crossing and each company complied creating the need for a revised filing. Therefore within the revised filing PUC staff, LECA's attorney and consultant agreed to recognize the revision within the final filing. Also, included in this revision was a correction to the MOU for one company and the corresponding revenue requirement. Thus creating a true-up for a five month period (Jul'03, Aug'03, Sep'03, Oct'03, & Nov'03).

Interstate Telecommunications Cooperative, Inc.
Shortfall Recovery*

	(A)	(B)	(C) = (B - A)	(D) = (C /12X5)	(E) = (B / B ttl)	(F) = (D x E)
	Based on rates effective 7/1/03	Revised w/ Corrected MOU & Traffic Factors**	Annual Change	5 Month Change	Percent of Revised Revenue Collected	5 Month Change by rate element
Revenue Collected {	Carrier Common Line	\$1,930,913	\$1,572,146	(\$358,767)	45.68%	(\$111,916)
	Local Switching	\$902,839	\$718,480	(\$184,359)	20.87%	(\$51,131)
	Transport	\$1,461,831	\$1,151,365	(\$310,466)	33.45%	(\$81,953)
	Total	\$4,295,583	\$3,441,991	(\$853,592)	100.00%	(\$245,000)
Revenue Requirement	\$3,183,777	\$2,918,184	(\$265,593)			
Excess Collected (due LECA pool)	\$1,111,806	\$523,807	(\$587,999)	(\$245,000)		

This is the shortfall recognized by ITC that will be recovered in the LECA rates on a go forward basis

* The shortfall was created by the overstatement of minutes by ITC to the LECA pool. Therefore LECA assumed the company would collect the LECA rate for the number of minutes submitted to the pool as part of ITC's original filing. However, due to the error in reporting they only received the LECA rates for the revised minutes reported to LECA. The difference in the minutes is an annual amount of 9,518,445 originating minutes of use. For the last five months (Jul, Aug, Sep, Oct, & Nov) LECA has asked the company to return \$49,000 more per month than they collected from the interexchange carriers, creating a hardship for ITC.

** ITC Revenue Requirement assuming MOU and traffic factors are updated from the July 2003 filing. These numbers were not part of an actual filing with the PUC staff, however they were provided to them.

LOCAL
EXCHANGE
CARRIERS
ASSOCIATION

South
Dakota

November 5, 2003

RECEIVED

NOV 06 2003

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Ms. Pam Bonrud
Executive Director
Public Utilities Commission
State of South Dakota
500 East Capitol
Pierre, SD 57501

Ref: TC02-090

Dear Ms. Bonrud:

On behalf of its member companies, attached for filing with the Public Utilities Commission (Commission) are revised pages of the Local Exchange Carriers Association (LECA) Tariff No. 1 effective December 1, 2003. The purpose of these revisions is to implement changes in rates as necessitated by revisions in member companies' revenue requirements.

An original and eleven (11) copies are enclosed. All Interexchange Carriers "of Record" with the Commission are being notified of these revisions through a memo addressed and mailed by U.S. Mail to them November 4, 2003 along with copies of the attached tariff pages.

We would appreciate your acknowledgment of receipt of this filing by return of one (1) copy appropriately receipted.

Sincerely,
Local Exchange Carriers Association



Marlene Bennett, Tariff Coordinator

MB/wmh
Enclosures: Revised Tariff Pages
Cc: Craig Osvog
Ben Dickens
Darla Rogers
Rich Coit

TARIFF CHECKLIST
 All Pages Are Original Unless Otherwise Noted

<u>Page</u>	<u>Revision Number</u>	<u>Page</u>	<u>Revision Number</u>	<u>Page</u>	<u>Revision Number</u>
6-87		12-1		15-20	
6-88				15-21	
6-89		13-1		15-22	
6-90		13-2		15-23	
6-91		13-3		15-24	
6-92		13-4		16-1	
6-93		13-5		17-1	20th*
6-94		13-6		17-2	
6-95		13-7		17-3	1st
6-96	1st	13-8		17-4	20th*
6-97		13-9		17-5	
6-98		13-10		17-6	
6-99	1st	13-11		17-7	
6-100		13-12		17-8	
6-101		13-13	2nd	17-9	
6-102	1st	13-14	1st	17-10	
6-103	1st	13-15	1st	17-11	
6-104	1st	13-16	1st	17-12	
6-105	1st	13-17		17-13	
6-106		13-18	1st	17-14	
6-107				17-15	
6-108	1st	14-1		17-16	
6-109	1st			17-17	
		15-1		17-18	
7-1		15-2		17-19	
		15-3		17-20	
8-1		15-4		18-1	5th
8-2		15-5		18-1.1	3rd
8-3		15-6		18-2	3rd
8-4		15-7		18-2.1	2nd
		15-8		18-3	3rd
9-1		15-9		18-4	1st
		15-10		18-5	6th
10-1		15-11		18-5.1	1st
10-2		15-12		18-6	5th
10-3		15-13		18-6.1	3rd
10-4		15-14		18-7	5th
10-5		15-15		18-7.1	3rd
		15-16		18-8	6th
11-1		15-17		18-9	5th
11-2		15-18			
		15-19			

* New This Issue

Issued: November 4, 2003

Effective: December 1, 2003

By: Craig Osvog
 President
 P.O. Box 588
 Brookings, SD 57006

ACCESS SERVICE

17. Rates and Charges

17.1 Common Line Access Service

17.1.1 Carrier Common Line Access Service

Rate

Regulations concerning Carrier Common Line Access are set forth in Section 3. preceding.

Access

- | | | | |
|---|-------------------------------|----------|-----|
| - | Originating Per Access Minute | \$0.0436 | (I) |
| - | Terminating Per Access Minute | \$0.0570 | (I) |

17.1.2 Reserved for Future Use

ACCESS SERVICE

17. Rates and Charges (Cont'd)

17.2 Switched Access Service

17.2.1 Nonrecurring Charges

	<u>Rate</u>
(A) <u>Local Transport Element - Installation Per Line or Trunk</u>	\$295.00
(B) <u>Reserved for Future Use</u>	
(C) <u>Interim NXX Translation Per Order</u>	\$181.00
Per LATA or Market Area	

17.2.2 Traffic Sensitive

Local Switching (End Office)

Per Access Minute	Originating	\$0.0197
Per Access Minute	Terminating	\$0.0258

Local Transport

Per Access Minute	\$0.0365	(I)
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Network Blocking Per Blocked Call

Applies to FGD only	\$0.0271
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8XX Data Base Query Service

Per Query	
Basic	\$0.0079
Vertical Feature	\$0.0082

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

**IN THE MATTER OF THE ESTABLISHMENT) ORDER APPROVING RATE
OF SWITCHED ACCESS RATES FOR THE) REVISIONS
LOCAL EXCHANGE CARRIERS ASSOCIATION) TC02-090**

On July 1, 2002, the Local Exchange Carriers Association (LECA) filed for approval by the Public Utilities Commission (Commission) revised pages of its LECA Tariff No. 1. The purpose of these revisions is to implement changes in rates as necessitated by revisions in member companies' revenue requirements and access minutes of use.

On July 3, 2002, the Commission electronically transmitted notice of the filing and the intervention deadline of July 19, 2002, to interested individuals and entities. On July 15, 2002, the Commission received a Petition to Intervene from S&S Communications (S&S). At a regularly scheduled meeting of July 23, 2002, the Commission granted intervention to S&S. The Commission also voted to assess a filing fee as requested by the Executive Director up to the statutory limit of \$100,000. On July 11, 2003, the Commission received a Motion to Dismiss S&S as intervenor in this proceeding from LECA. At its regularly scheduled meeting of August 19, 2003, the Commission granted the Motion to Dismiss. The Commission considered this matter at its November 4, 2003, meeting. Commission Staff recommended approval of originating and terminating rates filed on November 3, 2003.

The Commission has jurisdiction over this matter pursuant to SDCL 1-26-17.1, 49-1A-9, 49-31-12.2, 49-31-12.4, 49-31-12.6, 49-31-18, 49-31-19 and ARSD 20:10:01:15.02, 20:10:01:15.05, 20:10:27:07 and 20:10:27:08. Upon review of LECA's revised filing, the Commission found that the originating and terminating rates are fair and reasonable and should be approved. As the Commission's final decision in this matter, it is therefore

ORDERED, that LECA's revised originating and terminating rates are hereby approved as filed on November 3, 2003, and shall be effective for telecommunications services rendered on and after December 1, 2003.

Dated at Pierre, South Dakota, this 13th day of November, 2003.

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><i>Melaine Kalbo</i></u>
Date: <u>11/14/03</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr

ROBERT K. SAHR, Chairman

Gary Hanson

GARY HANSON, Commissioner

James A. Burg

JAMES A. BURG, Commissioner