



Gary Hanson, Chair  
Bob Sahr, Vice-Chair  
Dustin Johnson, Commissioner

## SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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July 15, 2005

Via email and first class mail

Talbot J. Wieczorek, Esq.  
Gunderson, Palmer, Goodsell & Nelson, LLP  
American Memorial Life Building  
440 Mt. Rushmore Road  
Rapid City, SD 57709-8045

RE: **Staff's comments on RCC's filing regarding compliance with conditions 1 -3 of the Commission's order in Docket TC03-193**

Dear Mr. Wieczorek:

The following are the comments of the staff of the South Dakota Public Utilities Commission on the filing by RCC Minnesota, Inc. and Wireless Alliance, LLC d/b/a Unicel ("RCC") regarding compliance with conditions 1 - 3 of the Commission's order in Docket TC03-193:

**Exhibit A:** Staff believes that the last paragraph of the "South Dakota ETC Addendum" to the Unicel Service Agreement set forth as Exhibit A does not unambiguously reflect the substance of condition 3. Staff would propose the following language in lieu of RCC's proposed language:

If you are a South Dakota resident and have a complaint against Unicel, you have the right to bring your complaint to the South Dakota Public Utilities Commission and have it decided by the Commission, at your option. Otherwise, the binding arbitration election provisions set forth in section 2 will govern the parties' rights to have the dispute resolved by arbitration. You may contact the South Dakota Public Utilities Commission at 500 East Capitol Avenue, Pierre, South Dakota, 57501-5070; ph. (800) 332-1782; fax (605) 773-3809; email: [PUCConsumerInfo@state.sd.us](mailto:PUCConsumerInfo@state.sd.us).

Staff would also point out that at least under some circumstances, the Commission may not deem itself or a customer to be bound by the 30 day billing dispute limitation in the last sentence of paragraph 10 of the agreement.

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**Exhibit C:** Staff believes that this in-store ad should also include a brief notice of the availability of Link-Up assistance and also of the availability of toll limitation/blocking. Staff would also recommend deletion of the words "up to" before \$8.25.

**Exhibit D:** Staff believes that the web information should also contain a brief description of the availability of toll limitation/blocking.

**Exhibits G & H:** Staff recommends the addition of a sentence in the bottom section of RCC's general advertising advising that low income assistance is available to qualifying customers and that other, more limited plans are available at lower cost. Staff's feeling is that the representations of RCC at the hearing involving the availability of lower cost calling plans warrants some disclosure of the existence of such plans to potential customers in the ETC areas.

As we discussed this morning on the phone, RCC has agreed that since these documents will be publicly disseminated as advertising/promotional materials, they are not confidential documents under the Commission's rules. Accordingly, at the time Staff and RCC have either reached agreement or failed to reach agreement and turned the matter over to the Commission and its advisors for their review, the documents will be treated as non-confidential.

Please call to discuss with Harlan and I after you and Beth have had a chance to review.

Sincerely,



John J. Smith  
Staff Counsel

cc: Rolayne Wiest