



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

<b>IN THE MATTER OF WESTERN CLEC )</b>	<b>ORDER FOR AND NOTICE</b>
<b>CORPORATION D/B/A BUSINESS SERVICES )</b>	<b>OF SHOW CAUSE HEARING</b>
<b>BY CELLULAR ONE'S FAILURE TO SUBMIT A )</b>	
<b>REPORT AND PAY THE GROSS RECEIPTS )</b>	<b>TC03-230</b>
<b>TAX )</b>	

SDCL 49-1A-1 establishes the South Dakota Public Utilities Commission (Commission) Gross Receipts Tax Fund. This fund is financed by assessing a tax of .0015 or \$250, whichever is greater, on the annual intrastate gross receipts received by a utility from the company's customers within the state of South Dakota, and requires that all telecommunications companies submit on June 1, each year, a report of the amount of such gross receipts received during the preceding calendar year and pay the tax. A penalty of 10% of the tax is imposed for each month of delinquency.

Despite reminder letters from the Commission on April 28, 2003 and September 26, 2003, Western CLEC Corporation d/b/a Business Services by Cellular One (Western) has failed to file the required report and pay the gross receipts tax.

Pursuant to SDCL 49-1A-6, the Commission may collect this debt by distress and sale of any personal property of the company within South Dakota. Further, the Commission has the authority, under SDCL 49-31-3, to suspend or revoke the certificate of authority granted to the company; assess a civil fine against the company from \$200 to \$1,000 under SDCL 49-31-38; proceed under SDCL 49-31-38.2 or 49-31-38.3 to stop the company from transacting any future business in South Dakota; or take any other enforcement actions against the company allowed by law.

Western shall appear on January 20, 2004, at 10:00 A.M. (CST) in the Cactus Conference Room, State Capitol Building, 500 E. Capitol, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A. The hearing is being held pursuant to Commission's jurisdiction over telecommunications companies found at SDCL Chapters 1-26, 49-1, 49-1A, and 49-31, specifically, 49-1-11(4), 49-1A-3, 49-1A-4, 49-1A-5, 49-1A-6, 49-31-3, and ARSD 20:10:01:45.

The issue at the hearing is whether the Commission shall fine, or suspend or revoke Western's Certificate of Authority, assess a civil fine against the company, and/or institute collection proceedings against Western for failure to pay gross receipts tax.

The hearing shall 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 shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the

hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine whether to fine, or suspend or revoke Western's Certificate of Authority, assess a civil fine against the company, and/or institute collection proceedings against Western for failure to pay gross receipts tax. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that a show cause hearing in the matter of Western shall be held on January 20, 2004, at 10:00 A.M. (CST) in the Cactus Conference Room, State Capitol Building, 500 E. Capitol, Pierre, South Dakota. And it is

FURTHER ORDERED, that, in the event Western shall file an appropriate report and pay the delinquent gross receipts tax, including the 10% penalty for each month of delinquency, the hearing and actions mentioned herein shall not be held or taken, otherwise this order shall remain in effect.

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 31<sup>st</sup> day of December, 2003.

<b>CERTIFICATE OF SERVICE</b>
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u><i>Delaine Kalbo</i></u>
Date: <u>1/2/04</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

**South Dakota Public Utilities Commission**  
**WEEKLY FILINGS**  
**For the Period of December 18 through December 31, 2003**

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: 605-773-3201

**CONSUMER COMPLAINTS**

**CT03-159**     **In the Matter of the Complaint filed by Arnold Wienk, Lake Preston, South Dakota, against S&S Communications/Altern-a-Cell Regarding Loss of Long Distance Services.**

Complainant states that he purchased a four-year prepaid long distance service plan on July 2, 2002. Service was terminated without notice in early June of 2003. Complainant seeks to be reimbursed for the prepaid service not provided.

Staff Analyst: Jim Mehlhaff  
Staff Attorney: Kelly Frazier  
Date Docketed: 12/18/03  
Intervention deadline: N/A

**ELECTRIC**

**EL03-033**     **In the Matter of the Request by Xcel Energy for Approval of the Construction of a Third Simple Cycle Combustion Turbine Generator at the Angus C. Anson Site Near Sioux Falls.**

On December 19, 2003, the Commission received a request from Xcel Energy that the facility permit order issued in Docket EL91-001 on May 20, 1993, be amended to reflect the proposed construction of a third simple cycle combustion turbine generator at the Angus C. Anson Site near Sioux Falls, South Dakota. The unit will be a General Electric Model 7FA, with a nominal capacity of 160 MW. The Commission's original order approved the construction for up to four 100-megawatt simple cycle combustion turbine generators at the site. Two 105-megawatt combustion turbines have already been installed. This filing by Xcel Energy is to certify that the conditions leading to the issuance of the Facility Siting Permit in Docket EL91-001 will continue to be met.

Staff Analyst: Michele Farris  
Staff Attorney: Karen Cremer  
Date Docketed: 12/19/03  
Intervention deadline: 01/09/04

**TELECOMMUNICATIONS**

**TC03-201**     **In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and DIECA Communications, Inc. d/b/a Covad Communications Company.**

On December 18, 2003, the Commission received a Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and DIECA Communications, Inc. d/b/a Covad

Communications Company. According to the parties, the Amendment is made in order to replace the previously approved Joint Testing Amendment, in its entirety, with the terms, conditions and rates for Joint Testing as set forth in Attachment 1 and Exhibit A, which were filed with the Amendment. The original Agreement was approved by the Commission on November 18, 1999, in Docket No. TC99-017. 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 January 7, 2004. 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: 12/18/03  
Initial Comments Due: 01/07/04

**TC03-202 In the Matter of the Application of Computer Network Technology Corporation for a Certificate of Authority to Provide Interexchange Telecommunications Services and Local Exchange Services in South Dakota.**

Computer Network Technology Corporation filed an application for a Certificate of Authority to provide local exchange and interexchange telecommunications services in South Dakota. The applicant intends to provide "non-switched local intrastate interexchange services, specifically private line special access services." The applicant does not intend to provide rural local exchange services.

Staff Analyst: Steve Wegman  
Staff Attorney: Kelly Frazier  
Date Docketed: 12/19/03  
Intervention Deadline: 01/16/04

**TC03-203 In the Matter of the Application of Phonetec PCS, LLC for a Certificate of Authority to Provide Interexchange Telecommunications Services in South Dakota.**

On December 24, 2003, Phonetec PCS, LLC filed an application for a Certificate of Authority to provide resold interexchange telecommunication service in South Dakota. Phonetec intends to offer 1+ and 101XXXX outbound dialing, 800/888 toll-free inbound dialing, directory assistance, data services and postpaid calling card service throughout South Dakota.

Staff Analyst: Michele Farris  
Staff Attorney: Karen Cremer  
Date Docketed: 12/24/03  
Intervention Deadline: 01/16/04

**TC03-204 In the Matter of the Filing for Approval of a Reciprocal Transport and Termination Agreement between Qwest Wireless, LLC and TW Wireless, LLC and PrairieWave Telecommunications, Inc.**

On December 24, 2003, the Commission received a Filing of a Reciprocal Transport and Termination Agreement between Qwest Wireless, LLC and TW Wireless, LLC and PrairieWave Telecommunications, Inc. for approval. According to the filing, the parties wish to put in place an arrangement for the mutual exchange and reciprocal compensation of local telecommunications traffic in accord with the 1996 Telecommunications Act which is intended to supersede any previous arrangements between the parties relating to such traffic. 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 January 13, 2004. 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: 12/24/03  
Initial Comments Due: 01/13/04

- TC03-205 In the Matter of ACSI Local Switched Services, Inc. d/b/a e.spire's Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-206 In the Matter of All-Star Acquisition Corporation's Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-207 In the Matter of Atlas Communications, LTD's Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-208 In the Matter of Big Planet, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-209 In the Matter of Comtel Network, LLC's Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-210 In the Matter of Eastern Telecommunications Incorporated's Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-211 In the Matter of Essex Communications, Inc. d/b/a eLEC Communications' Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-212 In the Matter of ezTel Network Services, LLC's Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-213 In the Matter of GLD Group Long Distance, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-214 In the Matter of Glyphics Communications, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-215 In the Matter of Intelecall Communications, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-216 In the Matter of Intercontinental Communications Group, Inc. d/b/a Fusion Telecom/Fusion - Trucker Phone's Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-217 In the Matter of LD Exchange.com, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-218 In the Matter of Long Distance Billing Services, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.

- TC03-219 In the Matter of Maxcess, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-220 In the Matter of Natel, LLC's Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-221 In the Matter of Norstar Communications, Inc. d/b/a Business Savings Plan's Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-222 In the Matter of QuantumShift Communications, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-223 In the Matter of S&S Communications/Alternacell's Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-224 In the Matter of Sonix4U, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-225 In the Matter of Special Accounts Billing Group, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-226 In the Matter of TON Services, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-227 In the Matter of TransNet Connect, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-228 In the Matter of UKI Communications, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-229 In the Matter of United Communications HUB, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-230 In the Matter of Western CLEC Corporation d/b/a Business Services by Cellular One's Failure to Submit a Report and Pay the Gross Receipts Tax.

The above companies shall appear on January 20, 2004, at 10:00 a.m. in the Cactus Conference Room, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A.

Deputy Executive Director: Heather Forney  
Staff Attorney: Karen Cremer  
Date Docketed: 12/31/03  
Hearing Date: 01/20/04

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Total Postage & Fees	\$	

Sent To: *Cellular One*  
 Western CLEC Corp. dba Bus. Services by  
 Street, Apt. No.,  
 or PO Box No. *3650 131st Ave SE Ste 400*  
 City, State, ZIP+4  
*Bellvue, WA 98006*

PS Form 3800, June 2002 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
*Western CLEC Corp.*  
*dba Bus. Services by Cellular One*  
*3650 131st Ave SE*  
*Ste 400*  
*Bellvue, WA*  
*98006*

2. Article Number  
 (Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Signature]*  Agent  Addressee

B. Received by (Printed Name) *Bob Oglebee* C. Date of Delivery

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type *TC03-930*  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

7002 2030 0004 5245 7607



**Nathan Glazier**  
Manager of Regulatory Affairs  
Western Wireless Corporation  
3650 131st Avenue SE, Suite #400  
Bellevue, WA 98006  
(425) 586-8432 Fax (425) 586-8118

**facsimile**  
**TRANSMITTAL**

---

**to:** Heather Forney

**fax:** (605) 773- 3809

**date:** January 15, 2004

**pages:** 2 including cover

Ms. Forney:

Per our discussion this morning, attached is the Gross Receipts Tax Fund Assessment for Western CLEC Corporation, a subsidiary of Western Wireless Corporation. Western CLEC does not currently provide service in South Dakota, and it does not generate revenue. Accordingly, Western CLEC will be paying the minimum assessment plus the relevant late fees.

The original signed and notarized document will be following shortly in the mail accompanied by the check for payment. Please accept this as a satisfactory response to the Commission's Order for Show Cause Hearing. If you require anything additional from Western CLEC, please do not hesitate to contact me. I can be reached at (425) 586-8432 or via email at [Nathan.Glazier@wwireless.com](mailto:Nathan.Glazier@wwireless.com).

Thank you.

Nathan Glazier

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# SOUTH DAKOTA PUBLIC UTILITIES COMMISSION GROSS RECEIPTS TAX FUND ASSESSMENT

For the Calendar Year ended December 31, 2002  
Payment due on June 1, 2003

## TELECOMMUNICATIONS

(Independent, Cooperative, Municipal, AOS, Reseller, Cellular, Radio Common Carrier)

Name of Company & D/B/A Western CLEC Corp. dba Business Services by Cellular One

Address of Company 3650 131<sup>st</sup> Ave SE, Suite 400  
Bellevue, WA 98006

Tax ID # 68 - 0288290 Phone # (425) 586-8700

### INTRASTATE - SOUTH DAKOTA

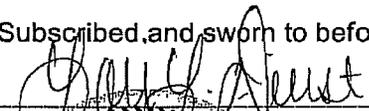
Local Service Revenues	0
Access Service Revenues	0
Toll Service Revenues	0
Any Other SD Intrastate Revenues	0
<b>TOTAL SD INTRASTATE REVENUES</b>	<b>0</b>

Assessment (.0015 of South Dakota Gross Revenues or \$250.00 whichever is greater.)

**\$ 250.00**

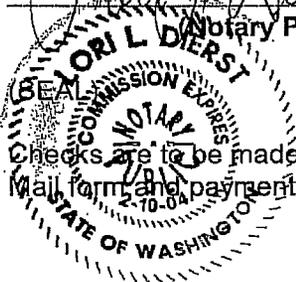
Signed by Company Officer:   
Gene DeJordy  
(Type or Print Name and Title)

Subscribed and sworn to before me this 14 day of January, 2003

  
Notary Public

My Commission expires: 2-10-04

Checks are to be made payable to the State of South Dakota & are due **June 1, 2003**. (SDCL 49-1A-5)  
Mail form and payment to: Public Utilities Commission, 500 E Capitol, Pierre SD 57501-5070.





**Nathan Glazier**  
Manager of Regulatory Affairs  
Western Wireless Corporation  
3650 131st Avenue SE, Suite #400  
Bellevue, WA 98006  
(425) 586-8432 Fax (425) 586-8118

**facsimile**  
**TRANSMITTAL**

---

**to:** Heather Forney  
**fax:** (605) 773-3809  
**date:** January 20, 2004  
**pages:** 4 including cover

Ms. Forney:

Per our earlier discussions on the phone concerning Western CLEC Corp.'s, Gross Receipts Tax Fund Assessment, attached please find the completed worksheet and copy of the check as payment. The original documents are following in the mail.

Please contact me with any questions. Thanks.

Nathan Glazier

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January 20, 2004

Heather Forney  
Public Service Commission  
500 E. Capitol  
Pierre, SD 57501-5070

Re: South Dakota Public Utilities Commission Gross Receipts Tax Fund  
Assessment 2003  
**Western CLEC Corporation**

Dear Ms. Forney:

Per our earlier discussions and my fax to you on January 15, 2004, enclosed please find the original South Dakota Public Utilities Commission Gross Receipts Tax Fund Assessment worksheet for 2003 for Western CLEC Corporation, a subsidiary of Western Wireless Corporation. During 2002 Western CLEC did not provide service to customers in South Dakota, and it did not generate any revenue. Western CLEC is therefore making the minimum payment of \$250, plus a \$150 late fee, for a total payment of \$400. A check in the amount of \$400 made payable to the South Dakota Public Utilities Commission was sent separately to the Commission as payment for Western CLEC's Gross Receipts Tax Fund Assessment. Enclosed you will find a copy of the check.

Earlier, Western CLEC received notice regarding the Commission's Show Cause Hearing concerning Western CLEC's unfiled Gross Receipts Tax Fund Assessment. Please let me know if receipt of this completed worksheet and receipt of the \$400 check do not satisfy the requirements of the Commission and if it does not eliminate the need for a Show Cause Hearing. Thank you again for your cooperation during this process.

Should you have any further questions about Western CLEC Corp. please do not hesitate to contact me directly at (425) 586-8432 or via email at [Nathan.Glazier@wwireless.com](mailto:Nathan.Glazier@wwireless.com). Thank you.

Sincerely,

A handwritten signature in black ink that reads 'Nathan Glazier'.

Nathan Glazier  
Manager of Regulatory Affairs

Enclosure

# SOUTH DAKOTA PUBLIC UTILITIES COMMISSION GROSS RECEIPTS TAX FUND ASSESSMENT

For the Calendar Year ended December 31, 2002  
Payment due on June 1, 2003

## TELECOMMUNICATIONS

(Independent, Cooperative, Municipal, AOS, Reseller, Cellular, Radio Common Carrier)

Name of Company & D/B/A Western CLEC Corp. dba Business Services by Cellular One  
Address of Company 3650 131<sup>st</sup> Ave SE, Suite 400  
Bellevue, WA 98006  
Tax ID # 68 - 0288290 Phone # (425) 586-8700

### INTRASTATE - SOUTH DAKOTA

Local Service Revenues	0
Access Service Revenues	0
Toll Service Revenues	0
Any Other SD Intrastate Revenues	0
<b>TOTAL SD INTRASTATE REVENUES</b>	<b>0</b>

**Assessment** (.0015 of South Dakota Gross Revenues or \$250.00 whichever is greater.)

**\$ 250.00**

Signed by Company Officer:



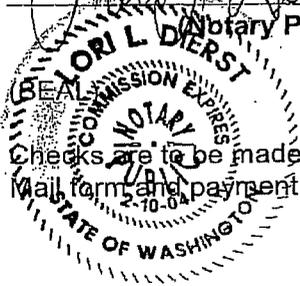
Gene DeJordy  
(Type or Print Name and Title)

Subscribed and sworn to before me this 14 day of January, 2003

Gail Dierst  
Notary Public)

My Commission expires: 2-10-04

Checks are to be made payable to the State of South Dakota & are due **June 1, 2003**. (SDCL 49-1A-5)  
Mail form and payment to: Public Utilities Commission, 500 E Capitol, Pierre SD 57501-5070.



No. 00047298

Western Wireless Corporation DBA's:

Western CLEC Corporation  
Cellular One

Western Paging Corporations  
Western Wireless International Corporation

Invoice Number	Inv. Date	Description	Gross Amount	Discount	Amount Paid
CK67884	01/08/04	SOUTH DAKOTA ANNUAL GROSS RECE	400.00	0.00	400.00

THIS CHECK CLEARS THROUGH POSITIVE PAY.

**Western Wireless**  
1650 131st Avenue SE #400  
Bellevue, WA 98006  
(425) 586-8700



East Grand Forks, Minnesota 56721  
24-Hour Banking 1-800-3555

75-1592  
912

No. 00047298

CHECK DATE

01/16/04

466000364X

THE SUM OF

\*\*\*\*FOUR HUNDRED AND XX / 100 US DOLLARS\*\*\*\*

PAY TO THE ORDER OF

\$400.00\*\*\*

VOID AFTER 6 MONTHS

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION  
500 E CAPITAL  
PIERRE, SD 57501-5070

BY: *Melissa [Signature]*

BY:



Security Features: registered, registered, registered

THIS CHECK CLEARS THROUGH POSITIVE PAY.

**Western Wireless**  
3650 131st Avenue SE #400  
Bellevue, WA 98006  
(425) 586-8700



East Grand Forks, Minnesota 56721  
24-Hour Banking 1-800-3555

751592  
912

No. 00047298

CHECK DATE

01/16/04

466000364X  
THE SUM OF  
\*\*\*\*FOUR HUNDRED AND XX/100 US DOLLARS\*\*\*\*  
PAY TO THE ORDER OF

\$400.00\*\*\*

VOID AFTER 6 MONTHS

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION  
500 E CAPITAL  
PIERRE, SD 57501-5070

BY: *Melissa Wheeler*  
BY:



⑈00047298⑈ ⑆091215927⑆ 152100016335⑈

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER AND HAS A TRUE WATERMARK

No. 00047298

Western Wireless Corporation DBA's : Western CLEC Corporation Western Paging Corporations  
Cellular One Western Wireless International Corporation

Invoice Number	Inv. Date	Description	Gross Amount	Discount	Amount Paid
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CK67884	01/08/04	SOUTH DAKOTA ANNUAL GROSS RECE	400.00	0.00	400.00
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*TC03-030*

RECEIVED

JAN 20 2004

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION