



Bob Sahr, Chair  
Gary Hanson, Vice-Chair  
Jim Burg, Commissioner

## SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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January 10, 2005

Richard J. Helsper  
Attorney at Law  
Glover, Helsper and Rasmussen, P.C.  
100 Twenty-Second Avenue, Suite 200  
Brookings, SD 57006

Re: In the Matter of the Filing by Brookings Municipal  
Utilities d/b/a Swiftel Communications for Designation  
as an Eligible Telecommunications Carrier  
Docket TC04-213

Dear Mr. Helsper:

Enclosed you will find copy of Commission Staff's Second Information and Document Production Requests with reference to the above captioned matter. This is intended as service upon you by mail. As I mentioned to you previously, once we have all the maps and exhibits revised in such a manner to reflect what Brookings is seeking as an ETC, you should file an amended Petition with the Executive Director.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Karen E. Cremer  
Staff Attorney

KEC:dk  
Enc.

cc: Ms. Darla Pollman Rogers  
Mr. Richard D. Coit  
Enc.

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

IN THE MATTER OF THE FILING BY )	COMMISSION STAFF'S
BROOKINGS MUNICIPAL UTILITIES D/B/A )	SECOND INFORMATION
SWIFTEL COMMUNICATIONS FOR )	AND DOCUMENT
DESIGNATION AS AN ELIGIBLE )	PRODUCTION REQUESTS
TELECOMMUNICATIONS CARRIER )	TC04-213

**TO: PETITIONER, BROOKINGS MUNICIPAL UTILITIES D/B/A SWIFTEL COMMUNICATIONS AND ITS ATTORNEY, RICHARD J. HELSPER:**

The following requests for information and document production are submitted by Commission Staff as second data requests to the Petition of Brookings Municipal Utilities for Designation as an Eligible Telecommunications Carrier.

**INSTRUCTIONS**

You are requested to answer fully and under oath, pursuant to ARSD 20:10:01:22.01, each of the following requests and serve three copies of your answers and responses thereto upon the Executive Director of the South Dakota Public Utilities Commission, on or before January 31, 2005. Your answers must include all information available to you, and your agents, officers, representatives, employees, attorneys, or others who have information available to you upon inquiry to them. The terms defined in the following paragraphs shall have the meaning as so defined unless the context of their use indicates otherwise.

1. "Petitioner" means Brookings, including all of its representatives, consultants, attorneys, agents, or other persons acting on its behalf.
2. "Commission" means the South Dakota Public Utilities Commission.
3. "ETC" means "eligible telecommunications carrier" as that term is defined in 47 U.S.C. 214(e).

## REQUESTS FOR INFORMATION AND PRODUCTION

1. Provide a copy of the Swiftel PCS orders received in Minnesota, Maine, and Washington. See Petitioners' Answers to Commission Staff's Supplemental Information and Document Requests number 7.

2. The Service Agreements provided in answer 14, Exhibit 4 require Mandatory Arbitration. As a telecommunications company Swiftel is subject to chapter 49-13 which allows consumers to file complaints with the Commission. Is Swiftel willing to amend this paragraph of the Service Agreements to state that any disputes or claims arising under the Service Agreements may be subject to the Commission's jurisdiction?

3. Provide a copy of the "Ts&Cs" referenced in the Service Agreements provided in answer 14, Exhibit 4.

4. In the Monthly PCS Advantage Agreement provided in answer 14, Exhibit 4, the paragraph entitled "14 Day Return Policy," reference is made to "an Early Termination Fee." What "Early Termination Fee" is required after 14 days? If nothing, explain why this wording is necessary.

5. What company is responsible for the warranty on the phones? Please specify this in the PCS Advantage Agreements.

6. Revised Exhibit B for Milbank has "entire" for one wire center code and "partial" for the other wire center code. Which is correct?

7. In Revised Exhibit D:

a) Willow Lake is "out" but is included in the ETC area on Revised Exhibit A.

Which is correct?

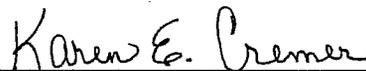
b) Parker is included (as part of PrairieWave Community) but is excluded on Revised Exhibit A (as part of Vivian Telephone). Is Parker in or out? [Parker is a PrairieWave Community exchange, not Vivian Telephone.]

c) the Alsen and the Rural Beresford exchanges of PrairieWave Community Telephone are not listed. Explain why.

8. On page 3 of Petitioner's Answers to Commission Staff's Request, dated December 17, 2004, Petitioner states that a "revised Exhibit C" was submitted to the Commission on October 29, 2004. We cannot find any such filing. What was submitted on October 29, 2004?

Respectfully submitted this 10<sup>th</sup> day of January, 2005.

SOUTH DAKOTA PUBLIC UTILITIES  
COMMISSION



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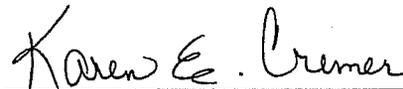
CERTIFICATE OF SERVICE

I hereby certify that a copy of Commission Staff's Second Information and Document Production Requests was served on the following by mailing the same to him by United States Post Office First Class Mail, postage thereon prepaid, at the address shown below on this the 10<sup>th</sup> day of January, 2005.

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Executive Director and General Counsel  
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