THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

RECEIVED IN THE MATTER OF PETITIONS FOR APR 1 9 2004 SUSPENSION OR MODIFICATION OF 47 U.S.C. SECTION 251(b)(2) OF SOUTH DAKOTA PUBLIC THE COMMUNICATIONS ACT OF 1934 UTILITIES COMMISSION AS AMENDED IN DOCKETS TC04-044, TC04-045, TC04-046, TC04-047, TC04-048, TC04-049, TC04-050, TC04-051, TC04-052, TC04-053, TC04-054, TC04-055, TC04-056, ORIGINA TC04-060, TC04-061, AND TC04-062 Transcript of Proceedings April 6, 2004 BEFORE THE PUBLIC UTILITIES COMMISSION, ROBERT SAHR, CHAIRMAN GARY HANSON, VICE CHAIRMAN JIM BURG, COMMISSIONER COMMISSION STAFF Rolayne Ailts Wiest John Smith Karen Cremer Greg Rislov Harlan Best Jim Mehlhaff Steve Wegman Tina Douglas Dave Jacobson Michele Farris Sue Schaefer Pam Bonrud APPEARANCES Darla Pollman Rogers Rich Coit David Gerdes Jeff Larson ALSO PRESENT: Rod Bowar

Reported By Cheri McComsey Wittler, RPR



Case Compress

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1	THE PUBLIC UTILITIES COMMISSION		3
2	OF THE STATE OF SOUTH DAKOTA	1	CHAIRMAN SAHR: In the Matter of
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		2	Petitions For Suspension or Modification of
4	IN THE MATTER OF PETITIONS FOR SUSPENSION OR MODIFICATION OF	3	47 U.S.C. Section 251(b)(2) of the Communications
5	47 U.S.C. SECTION 251(b)(2) OF	4	Act of 1934 as Amended in Dockets TC04-044, 045,
6	THE COMMUNICATIONS ACT OF 1934 AS AMENDED IN DOCKETS TC04-044,	5	, ,
	TC04-045, TC04-046, TC04-047,		046, 047, 048, 049, 050, 051, 052, 053, 054, 055,
7	TCO4-048, TCO4-049, TCO4-050, TCO4-051, TCO4-052, TCO4-053,	6	056, 060, 061, and 062.
8	TC04-054, TC04-055, TC04-056,	7	And the question is today shall the Commission
9	TC04-060, TC04-061, AND TC04-062	8	grant intervention to any parties that may have
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10	Transcript of Proceedings April 6, 2004	9	filed in each respective docket and shall the
11		10	Commission grant the petition for interim
12	BEFORE THE PUBLIC UTILITIES COMMISSION,	11	suspension of any obligation that may exist for a
10	ROBERT SAHR, CHAIRMAN	1	
13	GARY HANSON, VICE CHAIRMAN JIM BURG, COMMISSIONER	12	Petitioner to provide LNP until six months after
14	COMMISSION STAFF	13	entry of final order.
15	Rolayne Ailts Wiest John Smith	14	Let's take the intervention question. And
16	Karen Cremer	15	
16	Greg Rislov Harlan Best		have we had anyone intervene?
17	Jim Mehlhaff	16	MS. CREMER: Thank you. This is
18	Steve Wegman Tina Douglas	17	Karen Cremer from staff. We have had Interveners.
19	Dave Jacobson Michele Farris	18	Western Wireless and SDTA have intervened in all of
19	Sue Schaefer		
20	Pam Bonrud APPEARANCES	19	them, and Midcontinent has intervened in 044, 050,
21	Darla Pollman Rogers	20	051, 054, 055, 056, 060, and 061.
22	Rich Coit David Gerdes	21	And staff would recommend granting
	Jeff Larson		
23	ALSO PRESENT: Rod Bowar	22	intervention in all of those.
24	Reported By Cheri McComsey Wittler, RPR	23	CHAIRMAN SAHR: Thank you. Are
25		24	there any changes or any opposition to those
		25	interventions?
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1	common to the public or taxpayers.	1	maintaining LNP. That can't be an interest of
2	Well, what interest does Midcontinent allege	2	theirs. They can't even request LNP in those
3	in its petitions for intervention? First of all,	3	exchanges. They have no direct interest because,
4	they allege that they're a certified	4	again, they're not a LEC. They're not a local
5	telecommunications carrier under the jurisdiction	5	exchange carrier.
6	of the Commission. They allege that they're a	6	There isn't an interest financially or
7	local exchange carrier in US West's areas and in	7	otherwise and all other interests that they've
8	rural exchanges in this state and that they have an	8	alleged are interests that are common to the public
9	interest in preserving and maintaining local number	9	in general, and they are not specific to
10	portability. I assume that would be in general.	10	Midcontinent.
11	And they allege that they have a direct	11	I don't believe that this Commission should
12	interest in the outcome as a local exchange carrier	12	grant intervention to Midco in any of the dockets
13	and that any action of this Commission will	13	with the exception of ITC, and I do not object to
14	potentially have a direct financial impact upon	14	that one.
15	Midco and its ability to do business in this state	15	CHAIRMAN SAHR: Thank you.
16	as well as affecting the viability of competition	16	Mr. Gerdes, would you care to comment?
17	in local exchanges.	17	MR. GERDES: Mr. Chairman, members
18	l do not think that those interests rise to	18	of the Commission, yes, thank you. I've never had
19	the level of requirement of the rules.	19	this happen before.
20	Midcontinent is a certified telecommunications	20	First of all, as Ms. Rogers admits,
21	carrier, but it is not certified in the exchanges	21	Midcontinent is certificated as a local exchange
22	in the dockets to which I am objecting.	22	carrier but not and we would agree, not in all
23	For example, in Sioux Valley's exchange it has	23	of the areas of the companies that we've sought to
24	no direct interest in Sioux Valley because it's not	24	intervene in except ITC.
25	certified there.	25	But that does not mean that tomorrow we would
	6		8
1	When Midcontinent received its Certificate of	1	not apply for those. Certainly we've already shown
2	Authority from this Commission, and that was back	2	that we intend to apply for rural telecommunication
3	in September of 2000 and actually what happened	3	areas because we've applied for and received
4	was that Midcontinent requested a transfer of the	4	permission to do business in the Webster exchange
5	Certificate of Authority from Midco Communications	5	of ITC.
6	and Sioux Falls Cable Television to Midco, and at	6	I believe it would be proprietary information,
7	that point the Certificate of Authority granted by	7	which could be disclosed under a confidentiality
8	this Commission for Midcontinent Communications	8	order, but I can tell you that there are plans to
9	authorized it to offer local exchange services in	9	enter other exchanges. And that, I think, alone is
10	those areas in South Dakota where US West	10	sufficient to give Midcontinent a right to
11	Communications is the incumbent local exchange	11	participate in those dockets and in those exchanges
12	carrier.	12	where they have a potential business interest.
13	And in the future if they choose to provide	13	To say that Midcontinent has to apply for and
14	local exchange functions or local service in	14	receive authority to do business in an exchange
14	other rural areas, they have to come back before	15	before they can talk about the local number
16	· · ·	16	portability obligation of that carrier is
	this Commission and request a Certificate of	17	
17	Authority.	18	unrealistic because there very likely could be a future interest in it.
18	To date they have done that in one other		
19	exchange, and that's in the Webster exchange, which	19	The other thing that Ms. Rogers didn't mention
20	is in ITC's service area. So now when they say	20	is that any one of those exchanges could, for
21	that they are a local exchange carrier in US West's	21	example, apply to do business as a CLEC in any
22	exchanges and other local exchanges, that's not	22	US West area. And if one of those rural carriers
23	true. They are not a carrier in any of the dockets	23	became a CLEC in a Qwest area, the question still
24	in which I am objecting.	24	remains would you would they be obligated to
25	There is no interest in preserving and	25	provide LNP in the Qwest area.

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23talking about the last topic about you can't unring 2423can argue we need LNP to serve this area and co back and say now we will require the company to	_	Case Com	press		
2 course, Mideontinent is certificated in mat, if 2 particular service area to set path they dihere to a set until they applied for it, I would submit is simply wrong headed and it makes no logical sens to half tatter point. 4 and for those reasons we would object - or we well go to Commissioner Hanson next. 5 5 in would have some relevance to that latter point. 6 6 have an estual business plan that includes time inter or infraction to roll out service into any of the second point that you were making. 7 11 these other areas? 11 8 12 these other areas? 11 11 14 the other areas? 11 11 11 14 the other areas? 11				,	11
3 not all, of the Qeest exchanges. And if you look 4 at it, these comparies whose areas we've intervened 5 will writh the yourge headed and it makes no logical sem 5 in would have some relevance to that latter point. 6 simply wrong headed and it makes no logical sem 6 And for those reasons we would object - or we 5 simply wrong headed and it makes no logical sem 9 MR SMITH: Write Gerdes, dees Mideo 9 Well go to Commissioner Hanson next. 9 MR SMITH: Write Gerdes, dees Mideo 9 The second point that you were making. 10 have an actual business plan that includes time 10 The second point that you were making. 11 line or intertion to roll out service into any of 11 The second point that you were making. 12 these other areas? 11 The second point that you were making. 13 MR. GERDES: I believe that's 12 The second point that you were making. 14 propriatary in the your channel be to promissioner 12 MR. GERDES: Yes. 14 propriatary in the your channel be to promissioner 14 Wr. GERDES: You would. That's true. 15 CHAIRMAN SAHR: Thankyou. 12 WR. GERDES: Yes.		1	-	1	
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23 MR. SMITH: Outside the Qwest area? 23 wouldn't have that opportunity. 24 MR. GERDES: Yes. MR. GERDES: Yes. MR. GERDES: I was making the point 25 VICE CHAIR HANSON: Mr. Chairman. 10 1 1 CHAIRMAN SAHR: Yes, Commissioner 10 1 2 Hanson. 10 1 3 MS. ROGERS: I just wanted to 3 that company became a CLEC. It's sort of like thi 4 clarify. 5 CHAIRMAN SAHR: Thank you. Please 5 6 go ahead. 6 still is that at that juncture we would still be 7 MS. ROGERS: My point is that 7 MR. GERDES: Commissioner Hanson 9 carrier in the Petitioner's service areas to which 9 you would, but again and I realize that 10 I have objected. I did not state that they may 11 administrative law, but nonetheless, once a 11 never happen. 11 administrative law, but nonetheless, once a 12 If at some point they become certificated in 13 those areas, they may have an interest because we may 13 those areas, they may have an interest because we may 16 CLEC					
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					back and say now we will require the company to
		25	be true for this question here, and certainly if	25	establish LNP procedure?

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	13		15
1	MR. GERDES: That's a very good	1	blanket three-year suspension, Santel, from
2	point, Commissioner Burg. And I agree that that	2	providing LNP, I think at the point when
3	could be part of the proceeding. But, again, my	3	Midcontinent has become a carrier in that exchange
4	point is we've got this entire proceeding	4	and too requests LNP they could bring the issue
5	specifically directed toward LNP going now, and it	5	back in front of this Commission.
6	seems to me it would place an unfair burden on	6	Because then they would have to show why it
7	Midcontinent or any other potential CLEC if they	7	would be in the best interests of all involved for
8	would have to redo the whole process a second time	8	the Commission to reexamine its order. So I
9	when we've already got this opportunity now.	9	suppose that's a possibility, yes.
10	COMMISSIONER BURG: I really	10	CHAIRMAN SAHR: Ms. Rogers, I'm
11	disagree because I know when we get to the hearing	11	reading 20:10:01:15.05, last clause, "Where by the
12	a real important part to me is going to be on the	12	outcome of the proceeding the Petitioner will be
13	benefit cost ratio. If there's going to be a huge	13	bound and affected either favorably or adversely
14	cost and we can't really see a benefit to this, I'm	14	with respect to an interest peculiar to the
15	going to be reluctant to put that cost on the	15	Petitioner as distinguished from an interest common
16	people of South Dakota.	16	to the public or to the taxpayers in general."
17	However, if somebody comes in later and says	17	Now if the LNP proceeding turns out that there
18	we can show a real strong benefit to now requiring	18	is not a requirement to offer number portability,
19	LNP, I'll be very open to that.	19	if I'm sitting there as Midcontinent, haven't I
20	MR. GERDES: I believe that's	20	just had a significant barrier to entry thrown in
21	legitimately something that could take place in	21	the face of my potential business plans that l
22	this proceeding, and that's why we're intervening.	22	might have that there would be standing based on
23	I mean, that would be one of the things the	23	that?
24	Commission could take up.	24	Because I think clearly if the LNP petitions
25	MR. SMITH: Can I ask Ms. Rogers a	25	are granted, they do have an interest that's
	14		16
1	question? On that same point, though, let's	1	affected because it's going to be a lot harder for
2	assume several of the states out there have the	2	them to enter into these markets. And I think that
3	orders that they have issued in these suspension	3	is different than the public in general and the
4	proceedings have been like two year orders with	4	taxpayers, and I think it's clearly contemplated to
5	then the opportunity to continue year to year after	5	allow a petition or intervention under those
6	that with an item presumably until some difference	6	circumstances.
7	occurred.	7	MS. ROGERS: My response to that is
8	Might it not let me ask you this. If this	8	that they're not precluded from bringing that in
9	Commission, for example, were to issue a three-year	9	front of you and showing that interest if and when
10	suspension and Midco has somewhere in their	10	they decide to enter the marketplace in any one of
11	business plan an intention, for example, to enter	11	these exchanges. They can file a petition at that
12	Santel's territory, would it be the position of the	12	point. But they haven't even filed a request yet.
13	parties that at that point someone could petition	13	CHAIRMAN SAHR: But isn't it a
14	to undo that suspension, or is that suspension what	14	barrier to entry? I mean, you're putting up the
15	it is for that three-year period?	15	barrier now. I mean, that's the problem I see with
16	MS. ROGERS: Well, I'm not sure that	16	it. I think overarching throughout whether
17	I have the answer to that, but it would appear to	17	you're talking about federal or state law, let's
18	me at this point Midcontinent can't even request	18	make sure we're not setting up any sort of
19	LNP from these carriers. They have no standing, no	19	artificial barriers to entry.
20	need. They can't even request it.	20	And I think there's a pretty good argument if
21	So it would appear to me that at such time as	21	the LNP goes against Midcontinent and they're not
22	they would if and when in their business plan or	22	even allowed to participate, then they've had a
23	whatever, they become eligible telecommunications	23	significant barrier to entry put in their way of
24	carriers or carriers within an area, say, Santel,	24	planned expansions, which they're clearly in the
25	then if there was an order that said you have a	25	process of doing right now, and that they should at
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	17	1	19
1	least have the opportunity to be heard at hearing.	1	
2	And, you know, you very likely may beat	2	
3	Mr. Gerdes on each and every case, but at least		3 because they're in the telephone business, maybe at
4	he's had an opportunity and his clients had an	4	4 some time could come in, couldn't we also continue
5	opportunity to make their argument to shut them out	5	5 that to say that I may want to form a telephone
6	and then to rule against them making it more	6	6 company at some time in the future so I want to
7	difficult for them to enter into individual	7	7 intervene?
8	markets.	8	8 Is there any limitation to intervening if
9	I can understand why, you know, your clients	9	9 we
11	may like that result, but strictly from a policy	11	10 CHAIRMAN SAHR: I think you'd have
11	standpoint and fairness standpoint under state and	1	11 to show that you qualify under the rule, which says
1:	federal law, I have a hard time seeing how allowing	1	12 will be bound or affected either favorably or
1:		1	adversely. And I think will be to me sounds like
1		1	14 it's contemplating a forward-looking process.
1			15 And I think clearly the problem is if I
1			16 don't even have a telephone company, then I am not
1			17 distinguished from an interest common to the public
1			18 or the taxpayers in general. So I think, no, you
1			19 would not be allowed to intervene in that because l
2			20 think the rule was written with that sort of
2	entry. We don't even know at this point what		21 interest in mind.
5	2 you're going to decide ultimately.		22 It can't be just theoretical. I think a
2 2	So we're talking about a series of		23 telecommunications company that's currently up and
2			24 running and offering services with plans to build
2			25 out across the state, or Mr. Gerdes has indicated
F		+	
	18 Olivid Mani Calida, Establish anta	۲,	20
	CHAIRMAN SAHR: I think that cuts		1 plans to expand their service, is distinguishable
			2 from the public and the taxpayers in general.
			3 And I think in your theory I might form
- 1	they have the interest peculiar to the Petitioner		4 under your scenario the I might form a telephone
-	as distinguished from the public in general.		5 company person would be exactly the same as the
			6 taxpayer or public in general, and they would not
	2		7 be allowed to have standing in the case as opposed
	CHAIRMAN SAHR: Where does it say		8 to somebody who's currently offering service and
		1	9 could very likely be affected by having a
1			10 significant barrier to entry put in their face.
1	· · · · ·		11 COMMISSIONER BURG: So we're saying
	2 any interest in how you decide these decisions,		12 anybody who offers a telecommunications service
	3 these dockets.		13 would be eligible to intervene at this point.
	4 MR. SMITH: What if the suspension,		14 CHAIRMAN SAHR: They would have to
	5 though, Darla, is for three years?		15 meet the rule requirement. I don't think I would
	6 MS. ROGERS: Again, there's nothing		16 go that far, but I think you'd have to look at the
	7 to stop them from coming in and asking the		17 individual circumstances and see if it meets the
	8 Commission to reconsider a grant. If they put in a		18 definition of the rule.
	9 request, maybe they'll decide they don't care about	_	19 COMMISSIONER BURG: I don't really
	0 LNP. I mean, I don't know. I don't know.		20 have a problem with whether they intervene or don't
	1 COMMISSIONER BURG: Just one comme	ŧ	,
	2 that I want to make. If we follow that argument,		22 latitude in this decision to take into effect what
	3 though, couldn't I say wouldn't we say that	2	23 occurs. Because what I'm hoping occurs down the
	4 anybody could come in then because I may decide I	2	24 road is we find cheaper ways to do it.
	5 want to form a telephone company at any time?		25 Because I believe we should have number
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Case C	Compress		
	21		23
1	portability, but today I'm very questionable as to	1	withstanding Ms. Cremer's remarks, Commissioner
2	whether there's value because of the costs of doing	2	Sahr makes some compelling arguments here. And
3	it. Hopefully we make a decision in a way that	3	it's interesting, as I think about this, it's
4	when the market changes, when the technology	4	almost a damned if you do, damned if you don't,
5	changes, we will change to require number	5	Ms. Rogers, because why would you oppose their
6	portability at a time when it is feasible.	6	intervention into the process if they did not have
7	CHAIRMAN SAHR: Well, and I	7	some interest or some compelling interest at a
8	COMMISSIONER BURG: So I guess I'm	8	future time that it would affect them?
9	saying I don't think anybody's kept out of the	9	MS. ROGERS: I don't think that the
10	process if they don't apply today just because it	10	rule contemplates that you speculate as to what's
11	doesn't apply today.	11	going to happen. And, furthermore, there was
12	CHAIRMAN SAHR: Well, and I think	12	nothing in Midcontinent's petition itself that said
13	another - obviously, we're going to have an ad hoc	13	anything about entry into any areas. We're just
14	hearing between our next hearing, and it's probably	14	speculating that's part of their business plan
15	going to be sooner rather than later.	15	based on what Mr. Gerdes has said.
16	There is the alternative. We can take the	16	They are not a telecommunications carrier in
17	matter under advisement if the three Commissioners	17	our areas. I don't think
18	would think they would be better off having a	18	VICE CHAIR HANSON: Wouldn't you
19	chance to talk about it with the General Counsel	19	agree that they have a different relationship than
20	and the advisers. I'm certainly not opposed to	20	the public has simply by the standpoint that if
21	that, if that's what my fellow Commissioners would	21	they pursued this at a future time, that an action
22	think is appropriate.	22	of us precluding them from participating at this
23	MS. CREMER: If I may.	23	time could adversely affect them?
24	CHAIRMAN SAHR: Yes.	24	MS. ROGERS: I don't think that you
25	MS. CREMER: I would just remind	25	would preclude any of their rights at a future
	22		24
1	everyone that the hurdle for intervention has	1	time.
	always been extremely low. And I think we went	2	VICE CHAIR HANSON: No. But from
$\begin{vmatrix} 2\\ 3 \end{vmatrix}$	through this argument a few years ago with SDTA or	3	participating in this at this time.
4	whatever they were known as before that where it	4	MS. ROGERS: I don't believe that
	was argued they really shouldn't be allowed to		they have the standing as a party or any particular
5	· · · ·	5 6	
6	intervene in all the dockets they were allowed to	7	say in these dockets at this time because they are not telecommunications carriers in those areas.
7	because they were an organization and they didn't		
8	really have a peculiar interest and all of that and	8 9	CHAIRMAN SAHR: Ms. Rogers, if I
9	yet you allowed them to intervene.		may, does SDT offer telecommunications services in
10	I do believe that intervention here is okay	10	those areas? And the second question is, of
11	because he has said they have a business plan, and	11	course, can they request number portability?
12	they have intervened in a limited number of	12	MS. ROGERS: I don't believe that I
13	dockets. They just didn't intervene in all of them	13	objected to their intervention.
14	willy nilly. So I believe that they do meet that	14	CHAIRMAN SAHR: Well, I'm just
15	very, very low standard of intervention.	15	asking - I'm asking the question. We grant the
16	And personally I don't have any interest in	16	interventions, not the parties by either opposing
17	relitigating these each and every time. You know,	17	or not opposing.
18	if we have a three year suspension, to me that	18	MS. ROGERS: What was your question?
19	means there's a three year suspension and I don't	19	CHAIRMAN SAHR: Is SDTA a
20	want everybody coming back every couple of weeks or	20	telecommunications provider in these dockets in the
21	months and saying, well, now I want to go in. So I	21	areas in which these dockets are being contested
22	think we need to keep that in mind if we want to	22	right now?
23	keep these hearings to a reasonable number.	23	MS. ROGERS: They are not. Their
24	CHAIRMAN SAHR: Commissioner Hanson.	24	member companies are.
25	VICE CHAIR HANSON: Thank you. Not	25	CHAIRMAN SAHR: Can they request

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Case C	compress		
	25		27
1	number portability?	1	MR. WIECZOREK: Can I just interpose
2	MS. ROGERS: They cannot. Again,	2	one issue here?
3	their member companies are receiving those	3	CHAIRMAN SAHR: Go ahead.
4	requests.	4	MR. WIECZOREK: 45 and 46 you have
5	CHAIRMAN SAHR: I understand that.	5	multiple companies filing under one petition, and
6	And I think it's good we have them involved in the	6	their cost breakdown was given grouped together,
7	docket, but I don't think those two factors you	7	not broken out individually.
8	bring up of Midcontinent are necessarily	8	I do have a concern that that cost information
9	dispositive of the issue. At least you probably	9	should be immediately produced by the company, even
10	don't want it to be for SDTA.	10	if there's some argument there's some
11	MS. ROGERS: Like I said, I'm not	11	cross ownership. Because, you know, there's a
12	objecting to their intervention. Midcontinent on	12	substantial difference in size between Golden West
13	the other hand does not have member companies that	13	and Kadoka. And I am not saying that this was
14	either provide service or can request it in these	14	done, but the question I have is whether those were
15	areas. I think that's a distinction.	15	purposely grouped because one is so high and one is
16	CHAIRMAN SAHR: Thank you.	16	very low as a cost consideration.
17	COMMISSIONER BURG: I'm just going	17	CHAIRMAN SAHR: I think we can go
18	to make one other comment. I probably am going to	18	ahead and grant the interim suspensions but I think
19	support the intervention at this time if we were	19	that's a legitimate request. I think there's some
20	looking at postponing it because of another reason	20	sort of minimal economic showing, and I think the
21	is they have the right to intervene in one docket,	21	companies have done a good job making that argument
22	and I think these are going to be pretty well	22	in the other cases.
23	combined. I think we're going to have the same	23	So I will ask Ms. Rogers to check with her
24	expert witnesses. We're going to have the same	24	client and as soon as possible file that
25	arguments.	25	information so we do have it as part of the record
	26		28
1	So if they can get into one, that gets them	1	as well.
2	actually the arguments into all of them, the way it	2	VICE CHAIR HANSON: Mr. Chairman,
3	looks to me. So I don't think we'd accomplish that	3	with those comments and the comments of
4	much.	4	Mr. Wieczorek, I will vote to concur on the motion
5	CHAIRMAN SAHR: I'm prepared to go	5	and with the understanding that my vote also
6	ahead and make the motion that we grant	6	reflects the fact that I relied upon the
7	intervention to Western Wireless, SDTA, and	7	information to an extent that was provided to us on
8	Midcontinent in the dockets in which they've	8	the costs.
9	requested intervention.	9	CHAIRMAN SAHR: Thank you.
10	VICE CHAIR HANSON: Second.	10	
11	COMMISSIONER BURG: And I will	11	
12	concur for the reason I just stated.	12	
13	CHAIRMAN SAHR: And then we have a	13	
14	second question, of course. Shall the Commission	14	
15	grant the petition for an interim suspension of any	15	
16	obligation that my exist for Petitioner to provide	16	
17	LNP until six months after entry of a final order.	17	
18	Unless there's any sort of additional	18	
19	information, I will go ahead and move that we grant	19	
20	the interim suspension until the Commission's final	20	
21	order.	21	
22	COMMISSIONER BURG: I'll second	22	
23	that.	23	
24	MR. WIECZOREK: Mr. Chairman?	24	
25	CHAIRMAN SAHR: Yes, Mr. Wieczorek.	25	

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Case (Compress
1	STATE OF SOUTH DAKOTA)
2	:SS CERTIFICATE
з	COUNTY OF HUGHES)
4	
5	I, CHERI MCCOMSEY WITTLER, a Registered
6	Professional Reporter and Notary Public in and for the
7	State of South Dakota:
8	DO HEREBY CERTIFY that as the duly-appointed
9	shorthand reporter, I took in shorthand the proceedings
10	had in the above-entitled matter on the 6th day of
11	April 2004, and that the attached is a true and
12	correct transcription of the proceedings so taken.
13	Dated at Pierre, South Dakota this 19th day
14	of April 2004.
15	
16	_
17	Chimin Stor
18	Cheri McComsey Wittler, Notary Public and
19	Registered Professional Reporter
20	
21	
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23	X
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