

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE COMPLAINT FILED
BY BLACK HILLS FIBERCOM, LLC, RAPID
CITY, SOUTH DAKOTA, AGAINST QWEST
CORPORATION REGARDING INTRASTATE
SWITCHED ACCESS CHARGES APPLIED TO
ISP-BOUND CALLS WHICH COMPLAINANT
CLAIMS IS INTERSTATE IN NATURE

CT03-154

ORIGINAL

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Transcript of Proceedings
June 14, 2005
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BEFORE THE PUBLIC UTILITIES COMMISSION,
GARY HANSON, CHAIRMAN
BOB SAHR, VICE CHAIRMAN (by telephone)
DUSTY JOHNSON, COMMISSIONER

COMMISSION STAFF
Rolayne Ailts Wiest
Sara Greff
Greg Rislov
Harlan Best
Keith Senger
Dave Jacobson
Jim Mehlhaff
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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Reported By Cheri McComsey Wittler, RPR, CRR

PRECISION REPORTING
L I M I T E D

APPEARANCES BY TELEPHONE

Colleen Sevold
Amy Schuldt
Denny Law
Melanie Acord
Marv Truhe
Tim Goodwin
Todd Brink
Kyle White

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TRANSCRIPT OF PROCEEDINGS, held in the
above-entitled matter, at the South Dakota State
Capitol, Room 412, 500 East Capitol Avenue, Pierre,
South Dakota, on the 14th day of June 2005, commencing
at 10:30 a.m.

1 CHAIRMAN HANSON: CT03-154, In the
2 matter of the Complaint filed by Black Hills
3 Fibercom, LLC, Rapid City, South Dakota, against
4 Qwest Corporation regarding intrastate switched
5 access charges applied to ISP-bound calls which
6 Complainant claims is interstate in nature.

7 On May 26, 2005 the parties filed a Joint
8 Notice of Settlement and a Motion to Dismiss.
9 Therefore, the question today is shall the
10 Commission dismiss with prejudice Black Hills
11 FiberCom's Amended Complaint and Qwest's
12 Counterclaim; item number 2, revoke the
13 Commission's Amended Interim Decision; and,
14 number 3, order issued on March 14, 2005 and close
15 the Docket?

16 Is there someone from Fibercom or Qwest who
17 would like to address their Motion?

18 MR. TRUHE: Mr. Chairman, this is
19 Marv Truhe, attorney for Fibercom, and we have
20 filed a Joint Notice of Settlement. We did reach
21 settlement with Qwest on this matter, not only with
22 regard to our Complaint with also their
23 Counterclaim.

24 And Tim Goodwin is on the line here. The two
25 of us have signed a Joint Notice of Settlement and

1 Motion to Dismiss.

2 CHAIRMAN HANSON: Thank you, Marv.
3 Are there any questions?

4 Tim, did you have anything to add?

5 MR. GOODWIN: No. I think that the
6 Settlement and the Motion speaks for itself. I
7 think we've resolved everything amicably and now
8 wish to close the matter and be done.

9 CHAIRMAN HANSON: Very good. We
10 appreciate the consensus that you came to.

11 MR. GOODWIN: We appreciate the help
12 of the Commission.

13 CHAIRMAN HANSON: I have a Motion
14 then. Since the parties have reached a settlement,
15 I move the party's Joint Motion to Dismiss be
16 granted, that Black Hills FiberCom's Amended
17 Complaint and Qwest's Counterclaim be dismissed
18 with prejudice, that the Commission's Interim
19 Decision and Order on March 14, 2005 be revoked,
20 and that the Docket be closed.

21 COMMISSIONER JOHNSON: Second.

22 VICE CHAIRMAN SAHR: And I concur.

23 CHAIRMAN HANSON: Thank you.
24
25

STATE OF SOUTH DAKOTA)

:SS


CERTIFICATE

COUNTY OF HUGHES)

I, CHERI MCCOMSEY WITTLER, a Registered
Professional Reporter and Notary Public in and for the
State of South Dakota:

DO HEREBY CERTIFY that as the duly-appointed
shorthand reporter, I took in shorthand the proceedings
had in the above-entitled matter on the 14th day of
June 2005, and that the attached is a true and
correct transcription of the proceedings so taken.

Dated at Pierre, South Dakota this 24th day
of June 2005.


Cheri McComsey Wittler,
Notary Public and
Registered Professional Reporter