BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING BY DAKOTA TELECOM, INC., DAKOTA TELECOMMUNICATIONS SYSTEMS, INC., AND DAKOTA COOPERATIVE TELECOMMUNICATIONS, INC., FOR INTERCONNECTION WITH FORT RANDALL TELEPHONE COMPANY	)	ORDER FINDING LETTER IS A BONA FIDE REQUEST TC97-062

On June 3, 1997, Dakota Telecom, Inc., Dakota Telecommunications Systems, Inc., and Dakota Cooperative Telecommunications, Inc. (collectively Dakota) filed a Notice of Request for Interconnection with Fort Randall Telephone Company (Fort Randall) with the South Dakota Public Utilities Commission (Commission).

At its July 15, 1997, regularly scheduled meeting, the Commission granted intervention to the South Dakota Independent Telephone Coalition (SDITC). At a July 18, 1997, ad hoc meeting, the Commission found Dakota's request was not a bona fide request as required by 47 U.S.C. § 251(f)(1). The Commission further found that it would hold a hearing on whether Dakota shall be required to meet Eligible Telecommunications Carrier (ETC) requirements before being allowed to provide service in exchanges owned by Fort Randall. On July 31, 1997, the Commission issued an Order For and Notice of Hearing and Procedural Schedule setting deadlines for submission of prefiled testimony and further setting a hearing on this matter for August 26, 1997.

On August 4, 1997, Dakota filed an appeal of this matter to the Circuit Court, Sixth Judicial Circuit and sought a stay in these proceedings. On August 8, 1997, Fort Randall and intervenor SDITC filed for removal of the appeal to United States District Court, District of South Dakota. Although no stay had been granted by any court, Dakota did not file its written testimony on August 11, 1997, as required by the Commission's procedural schedule. On August 12, 1997, the Commission received a letter from Dakota requesting that the Commission suspend the hearing scheduled to determine whether Dakota shall be required to meet ETC requirements before being allowed to provide service in exchanges owned by Fort Randall. Based on this request, the procedural schedule was suspended.

On August 15, 1997, the Commission received a letter from Dakota entitled "Second notice of requests for interconnection between Fort Randall Telephone Company and Dakota Telecom, Inc. and Dakota Telecommunications Systems, Inc." The Commission also received letters Dakota sent to Fort Randall. In its July 28, 1997, letter to Fort Randall, Dakota stated that it "intends to serve all customers within [the Centerville and Viborg] exchanges with all services supported by Universal Service Fund." Dakota also stated that it intended to "enter into negotiations which may cover interconnection throughout Fort Randall Telephone Company's entire service area." In its August 12, 1997, letter to Fort Randall, Dakota specifically requested negotiations pursuant to 47 U.S.C. §§ 251(a); 251(b)(1), (3), (4), and (5); and 251(c)(1), (2), (3), (4), (5), and (6).

On September 8, 1997, the Commission received a letter from Fort Randall stating that although it did not believe that the August 12, 1997, letter, constituted a bona fide request, it agreed to stipulate to the start of the 120 day period as provided for by 47 U.S.C. § 251(f)(1)(B).

At its September 9, 1997, meeting, the Commission considered whether Dakota's August 12, 1997, letter was a bona fide request. Fort Randall reiterated its position as stated in its September 8, 1997, letter. SDITC stated that it did not oppose the Commission finding that the letter began the 120 day period. The Commission voted unanimously to find that Dakota's letter which was received by the Commission on August 15, 1997, was a bona fide request and thus the 120 day time period began on August 15, 1997. The Commission further directed the Executive Director to set a procedural schedule.

It is therefore

ORDERED, that Dakota's letter received by the Commission on August 15, 1997, constitutes a bona fide request pursuant to 47 U.S.C. § 251(f)(1)(A).

Dated at Pierre, South Dakota, this 3rd day of October, 1997.

CERTIFICATE OF SERVICE

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: Delaine Kolbo

Date: 10/3/97

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner