

Telecommunications Orders - Issued 1997

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

IN THE MATTER OF THE APPLICATION OF PAM COMMUNICATIONS TO OFFER NEGOTIATED RATES)	ORDER FOR AND NOTICE OF HEARING
)	
)	TC96-205

On December 19, 1996, the Public Utilities Commission (Commission) received a filing from PAM Communications to offer negotiated rates. PAM Oil, Inc. d.b.a PAM Communications (PAM) has requested that the Commission waive its tariff filing requirements for competitive local telecommunications service providers. On December 26, 1996, the Commission electronically transmitted notice of the filing and the intervention deadline of January 10, 1997, to interested individuals and entities.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31.

A duly noticed meeting of January 14, 1997, the Commission granted intervention to AT&T Communications of the Midwest, Inc. (AT&T) and MCI Telecommunications Corporation (MCI).

A procedural schedule for testimony and a hearing on this matter shall be as follows:

DATE --- PROCEDURAL SCHEDULE

January 30, 1997 parties shall simultaneously file prefiled testimony

February 6, 1997 parties shall simultaneously file re al testimony

February 13, 1997 hearing, commencing at 9:00 A.M. at the State Motel Conference Room, 640 North Euclid, Pierre, SD.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31. The Commission may rely upon any or all of these or other laws of this state in making its determination.

The issue at the hearing is whether PAM must file tariffs for local telecommunications services.

The public is invited to participate by testifying at the hearing. All persons so testifying will be subject to cross-examination by the parties. The order of the proceeding will be in the following sequence: (1) Applicant; (2) Staff; and (3) Intervenors.

The hearing is an adversary proceeding conducted pursuant to SDCL Chapter 1- 26. All parties have the right to attend and represent themselves or be represented by an attorney. However, such 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 testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20.

The Commission, after examining the evidence and hearing testimony presented by the parties, shall make Findings of Fact, Conclusions of Law, and a Final Decision. As a result of the hearing the Commission may determine whether PAM must file tariffs for local telecommunications services. The Final Decision may be appealed by the parties to the Circuit Court and the South Dakota Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held on the application of PAM as specified above.

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 17th day of January, 1997.

CERTIFICATE OF SERVICE

BY ORDER OF THE
COMMISSION:

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.

Commissioners Burg, Nelson and
Schoenfelder

By: _____

Date: _____

WILLIAM BULLARD, JR.

(OFFICIAL SEAL)

Executive Director

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