

## Telecommunications Orders - Issued 1997

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

**IN THE MATTER OF THE FILING BY U S WEST ) SECOND AMENDED ORDER FOR  
COMMUNICATIONS, INC. FOR APPROVAL OF AN ) AND NOTICE OF PROCEDURAL  
INTERCONNECTION COST ADJUSTMENT ) SCHEDULE AND HEARING  
MECHANISM )  
TC97-005**

On January 14, 1997, the South Dakota Public Utilities Commission (Commission) received an application from U S WEST Communications, Inc. (U S WEST) seeking to allow U S WEST to implement an Interconnection Cost Adjustment Mechanism (ICAM) for a defined 36-month period. According to the application, "The ICAM is limited to one time, extraordinary or start-up costs for systems modifications or development, network rearrangements and business office processes effectively mandated by the Telecommunications Act of 1996 for the convenience of and use by U S WEST's competitors, and to facilitate U S WEST's existing customers' ability to choose a different local exchange service provider. Because no current or proposed rate or charge will provide an opportunity for U S WEST to recover all of these extraordinary, one-time or start-up costs, U S WEST proposes the ICAM to recover the totality of such costs." U S WEST has requested expeditious Commission treatment of this application.

An intervention deadline of January 31, 1997, was established and Dakota Cooperative Telecommunications, Inc. (DC ), subsidiaries Dakota Telecommunications Systems, Inc. (DTS) and Dakota Telecom, Inc. (DTI), PAM Communications (PAM), MCI Telecommunications Corporation (MCI), McLeodUSA Telecommunications Services, Inc. (McLeodUSA), Sprint Communications Company L.P. (Sprint), AT&T Communications of the Midwest, Inc. (AT&T), and Midco Communications, Inc. (Midco) filed Petitions to Intervene. A regularly scheduled meeting of February 11, 1997, the Commission found that the Petitions to Intervene were timely filed and demonstrated good cause to grant intervention. The Commission directed the Executive Director to set a procedural schedule.

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

<b>DATE</b>	<b>PROCEDURAL SCHEDULE</b>
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May 9, 1997 U S WEST prefiled testimony due

May 23, 1997 Staff and Intervenor prefiled testimony due

May 30, 1997 U S WEST re al testimony due

June 26-27, 1997 Hearing commencing at 9:00 a.m. on June 26, 1997, and continuing through June 27, 1997, in Room 412 of the State Capitol Building, Pierre, South Dakota

The Commission has jurisdiction in this matter pursuant to SDCL Chapter 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 U S WEST's application seeking to allow U S WEST to implement an Interconnection Cost Adjustment Mechanism (ICAM) for a defined 36-month period shall be granted.

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) Intervenors; (3) Staff.

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 either approve or reject the application seeking to allow U S WEST to implement an Interconnection Cost Adjustment Mechanism (ICAM) for a defined 36-month period. The Final Decision made by the Commission 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 seeking to allow U S WEST to implement an Interconnection Cost Adjustment Mechanism (ICAM) for a defined 36-month period at the time and place 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 25th day of April, 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: \_\_\_\_\_

BY ORDER OF THE COMMISSION:

Commissioners Burg, Nelson and  
Schoenfelder

\_\_\_\_\_  
WILLIAM BULLARD, JR.

Date: \_\_\_\_\_

Executive Director

(OFFICIAL SEAL)

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