

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 COMMUNICATIONS, INC. FOR REVISIONS TO ITS EXCHANGE AND NETWORK SERVICES TARIFF)))	ORDER FOR AND NOTICE OF HEARING AND PROCEDURAL SCHEDULE TC97-006
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On January 15, 1997, U S WEST Communications, Inc. (U S WEST) filed for approval by the South Dakota Public Utilities Commission (Commission) of Smart Public Access Line service (Smart PAL) on a flat and message rated monthly recurring and non- recurring basis.

On January 16, 1997, the Commission electronically transmitted notice of the filing and the intervention deadline of January 31, 1997, to interested individuals and entities. On April 15, 1997, the Commission received a late filed Petition to Intervene from Gemini Companies, Inc. (Gemini). On April 28, a regularly scheduled meeting, the Commission granted Gemini's late filed Petition to Intervene.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, and ARSD Chapter 20:10:01. The Commission may rely upon any or all of these or other laws of this state in making its determination.

The issue at this hearing is U S WEST's request that the Commission approve Smart PAL on a flat and message rated monthly recurring and non-recurring basis.

The procedural schedule for the hearing shall be as follows:

The hearing on U S WEST's request shall be held on July 28, 1997, at 1:00 p.m., in Room 412 of the Capitol Building, Pierre, South Dakota.

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; and (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 request for approval of Smart PAL on a flat and message rated monthly recurring and non-recurring basis. 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 U S WEST's request for approval of Smart PAL filing 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 8th day of July, 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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