

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

IN THE MATTER OF THE REQUEST OF ) D A K O T A C O O P E R A T I V E ) TELECOMMUNICATIONS, INC. FOR A ) DETERMINATION OF ELIGIBLE ) TELECOMMUNICATIONS CARRIER STATUS ) PURSUANT TO 47 U.S.C. § 214 )	)	ORDER FOR AND NOTICE OF HEARING AND PROCEDURAL SCHEDULE  TC97-030
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On March 25, 1997, Dakota Cooperative Telecommunications, Inc., Dakota Telecom, Inc., and Dakota Telecommunications Systems, Inc. filed a request that the South Dakota Public Utilities Commission (Commission) take steps necessary to implement the regulations relating to the universal service fund and that it be designated as an eligible telecommunications company as that term is used in 47 U.S.C. § 214 for certain exchanges specified in its petition.

On March 27, 1997, the Commission electronically transmitted notice of the filing and the intervention deadline of April 11, 1997, to interested individuals and entities. On April 9, 1997, the Commission received a Petition to Intervene from AT&T Communications of the Midwest, Inc. (AT&T). On April 28, 1997, at its regularly scheduled meeting, the Commission granted AT&T's Petition to Intervene.

On May 29, 1997, Dakota Cooperative Telecommunications, Inc. filed an amended petition asking for eligible telecommunications company status only as to Dakota Cooperative Telecommunications, Inc. (Dakota).

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 whether the Commission shall approve Dakota's request that it be designated as an eligible telecommunications company as that term is used in 47 U.S.C. § 214.

The procedural schedule for the hearing shall be as follows:

The hearing on Dakota's request shall be held on July 30, 1997, at 9:00 a.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 designation as an eligible telecommunications company. 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 Dakota's request for designation as an eligible telecommunications carrier 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 8<sup>th</sup> day of July, 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:	<u>Alma Kiebo</u>
Date:	<u>7/9/97</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:  
Commissioners Burg, Nelson and  
Schoenfelder

William Bullard, Jr.  
WILLIAM BULLARD, JR.  
Executive Director