

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

**IN THE MATTER OF THE PETITION OF MCI)
TELECOMMUNICATIONS CORPORATION) ORDER CLOSING DOCKET
AND AT&T COMMUNICATIONS OF THE)
MIDWEST, INC. TO CERTIFY ALL LECS AS TO) TC97-039
COMPLIANCE WITH FCC PAYPHONE)
ORDERS)**

On April 14, 1997, MCI and AT&T filed a petition with the Public Utilities Commission (Commission) requesting the Commission to certify all LECs as to compliance with FCC Payphone Orders. MCI and AT&T filed this petition to investigate compliance of all certificated local exchange companies (LECs) with the Federal Communications Commission (FCC) orders on payphone reclassification. Specifically, MCI and AT&T request that the Commission determine and certify whether all certificated LECs have met all state-specific requirements identified in the FCC's orders. On April 17, 1997, the Commission electronically transmitted notice of the filing and the intervention deadline of May 2, 1997, to interested individuals and entities. On May 13, 1997, the Commission granted intervention to U S WEST Communications, Inc. (U S WEST) and South Dakota Independent Telephone Coalition (SDITC).

The parties have filed numerous comments in this matter. On April 22, 1998, at its regularly scheduled meeting, the Commission considered this matter. AT&T and MCI requested that the Commission order that a procedural schedule be issued. U S WEST and SDITC requested that the matter be dismissed based upon the FCC order, In the Matter of Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, released March 9, 1998, which stated that there are no state or federal certification requirements once LECs have certified to the interexchange carrier that it is in compliance with the FCC Payphone Orders. Commission Staff also recommended that the matter be dismissed based upon the FCC order.

The Commission has jurisdiction in this matter pursuant to SDCL Chapter 49-31 and the Telecommunications Act of 1996.

The Commission unanimously voted to dismiss the matter based upon the order by the FCC issued March 9, 1998. It is therefore

ORDERED that docket TC97-039 is hereby dismissed and the docket is closed.

Dated at Pierre, South Dakota, this 4th day of May, 1998.

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>Alaine Kallas</u>
Date: <u>5/5/98</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner