

competitive" to "fully competitive" would render moot some of the issues raised in this docket (emphasis added),

THE COMMISSION ORDERS that action on this Docket be deferred indefinitely, and further

UPON ITS OWN MOTION, as permitted by SDCL 49-31-3.2, applies to have intraLATA toll and wide-area telephone services reclassified from "emerging competitive" to "fully competitive," and that this application be in a form that contains information addressing the five considerations described at SDCL 49-31-3.2:

- (1) The number and size of alternative providers of the service and the affiliation to other providers;
- (2) The extent to which services are available from alternative providers in the relevant market;
- (3) The ability of alternative providers to make functionally equivalent or substitute services readily available at competitive rates, terms, and conditions of service;
- (4) The market share, the ability of the market to hold prices close to the cost, and other economic measures of market power; and
- (5) The impact on universal services.

It is therefore

ORDERED, that the Executive Director of the Commission open a new docket concerning its application, provide notice of hearing to all interested parties, including telecommunications companies doing business in South Dakota and the public at large, and to instruct Commission Staff to submit briefs or other documentation describing its position regarding the Commission's application for the described reclassification; and it is

FURTHER ORDERED, that all aspects of SDCL 49-31-3.2 be complied with, including the requirement that the application must be acted upon within 90 days, unless one additional 90-day period is permitted for good cause.

Dated at Pierre, South Dakota, this 26th day of August, 1999.

CERTIFICATE OF SERVICE
<p>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.</p>
<p>By: _____</p>
<p>Date: _____</p>
<p>(OFFICIAL SEAL)</p>
<p>BY ORDER OF THE COMMISSION:</p>
<p>_____</p> <p>JAMES A. BURG, Chairman</p>
<p>_____</p> <p>PAM NELSON, Commissioner</p>
<p>_____</p> <p>LASKA SCHOENFELDER, Commissioner</p>

dissenting

[CC99orders/includepgs/bottomlinks_insidepg.htm]