

Telecommunications Orders - Issued 1999

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

IN THE MATTER OF THE INQUIRY OF WHETHER TO RECLASSIFY U S WEST COMMUNICATIONS, INC.'S INTRALATA TOLL AND WIDE-AREA TELEPHONE SERVICES)))))	ORDER CANCELLING HEARING TC99-099
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A August 17, 1999, meeting, the Public Utilities Commission (Commission) voted to direct the Executive Director to open a docket to consider whether to have intraLATA toll and wide-area telephone services for U S WEST Communications, Inc. (U S WEST) reclassified from emerging competitive to fully competitive (Commissioner Schoenfelder, dissenting). Pursuant to SDCL 49-31-3.2, when determining how a telecommunications service is to be classified, the Commission shall consider the following:

- (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 service.

The Commission has jurisdiction over this matter pursuant to SDCL 49-31-3.2 and 49-31-3.4. Pursuant to SDCL 49-31-3.4, in any proceeding to reclassify a telecommunications service, the telecommunications company providing the service has the burden of proving that the classification is appropriate if the proceeding is commenced by the Commission on its own motion.

By order dated October 4, 1999, a hearing was scheduled for 9:00 a.m., on November 22, 1999, in Room 412, State Capitol Building, 500 East Capitol, Pierre, South Dakota. U S WEST and Commission Staff entered into a Stipulation and Settlement Agreement in this matter and the Agreement was approved by the Commission on November 15, 1999, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for November 22, 1999, is cancelled.

Dated at Pierre, South Dakota, this 18th day of November, 1999.

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: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER,
Commissioner

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