

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

<b>IN THE MATTER OF THE SALE OF THE STOCK OF UNION TELEPHONE COMPANY AND ARMOUR INDEPENDENT TELEPHONE COMPANY, INCLUDING ITS WHOLLY-OWNED SUBSIDIARY BRIDGEWATER-CANISTOTA INDEPENDENT TELEPHONE COMPANY TO MJD SERVICES CORP.</b>	<b>) ) ) ) ) ) ) )</b>	<b>ORDER FOR AND NOTICE OF HEARING</b>  <b>TC99-005</b>
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On January 13, 1999, the Public Utilities Commission (Commission) received a Joint Application from Union Telephone Company (Union) and Armour Independent Telephone Company (Armour), including its wholly-owned subsidiary, Bridgewater- Canistota Independent Telephone Company (Bridgewater-Canistota), and MJD Services Corp. (MJD). The applicants requested approval of the sale of the Union and Armour stocks to MJD. The applicants stated that "[w]hile the Union, Armour, and Bridgewater- Canistota stocks are being sold to MJD, an affiliate of MJD, ST Enterprises, Ltd. (STE) will manage the Union, Armour, and Bridgewater-Canistota exchanges after the sale."

On January 13, 1999, the Commission electronically transmitted notice of the filing and the intervention deadline of January 29, 1999, to interested individuals and entities. No petitions to intervene or comments were filed.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, specifically 1-26-17.1, 1-26-18, 1-26-19, 1-26-19.1, 49-31-2, 49-31-3, 49-31-3.1, 49-31-7, 49-31-7.1, 49-31-10, 49-31-11, and 49-31-59. The Commission may rely upon any or all of these or other laws of this state in making its determination.

A hearing shall be held on March 10, 1999, at 1:30 p.m., at 108 North Main Avenue, Hartford, South Dakota. The issue at the hearing is whether the sale of the Union and Armour stocks to MJD should be approved.

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 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 proposed sale of the Union and Armour stocks to MJD. 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 the joint application for approval of the sale of the Union and Armour stocks to MJD 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 12th day of February, 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:**

Commissioners Burg, Nelson and  
Schoenfelder

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WILLIAM BULLARD, JR. Executive Director