

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

IN THE MATTER OF THE FILING BY)	ORDER APPROVING
KENNEBEC TELEPHONE COMPANY FOR)	DIALING PARITY
APPROVAL OF DIALING PARITY)	IMPLEMENTATION PLAN
IMPLEMENTATION PLAN AND PETITION FOR)	
SUSPENSION AND MODIFICATION OF)	TC99-043
DIALING PARITY)	

On April 21, 1999, Kennebec Telephone Company (Kennebec Telephone) filed with the Public Utilities Commission (Commission) for approval of its dialing parity implementation plan and, pursuant to ARSD 20:10:32:39 and 47 U.S.C. 251(f)(2), a petition for suspension and modification of the requirement for implementing intraLATA dialing parity until September 19, 1999. Kennebec Telephone has fewer than 2% of the nation's subscriber lines installed in the aggregate. Kennebec Telephone's implementation of intraLATA dialing parity in Kennebec and Presho is a part of its implementation of interLATA equal access for the Kennebec and Presho exchanges at the South Dakota Network switch in Sioux Falls. The implementation of Kennebec Telephone's dialing parity plan began before the FCC released its order in CC Docket No. 96-98, Order adopted March 19 and released March 23, 1999, FCC 99-54. Kennebec stated that "[t]o try to alter the plan already in process would be unduly economically burdensome, technically infeasible, and certainly not consistent with the public interest. Therefore, Kennebec Telephone Company seeks the suspension and modification to allow intraLATA dialing parity to be implemented according to the plan already in process."

The Commission requested comments on Kennebec Telephone's petition for suspension and modification. No parties opposed granting the petition and Commission Staff recommended granting the petition.

At its June 15, 1999, meeting, the Commission considered whether to grant the petition. The Commission has jurisdiction over this matter pursuant to SDCL 49-31-80 and 49-31-81, ARSD 20:10:32:39, and the federal Telecommunications Act of 1996, specifically §§ 251 and 252. The Commission voted unanimously to grant the petition for suspension and modification of the requirement for implementing intraLATA dialing parity until September 19, 1999. The Commission found, pursuant to SDCL 49-31-81 and section 251(f)(2), that the suspension and modification is necessary to avoid imposing a requirement that is unduly economically burdensome and technically infeasible since Kennebec Telephone is already in the process of implementing intraLATA and interLATA dialing parity. The Commission further found that the suspension and modification is consistent with the public interest, convenience and necessity. In making this determination, the Commission noted that the suspension and modification is for a short time period.

At its June 15, 1999, meeting, the Commission set certain requirements for intraLATA dialing plans. See, *In the Matter of the FCC Order Establishing New Deadlines for Implementation of IntraLATA Dialing Parity by Local Exchange Carriers, Order Setting Requirements for Plans*, Docket TC99-030. At its June 22, 1999, meeting, the Commission considered whether to approve Kennebec Telephone's plan. The Commission voted unanimously to approve the intraLATA dialing parity implementation plan. The Commission finds the plan complies with the applicable FCC and Commission orders.

It is therefore

ORDERED, that Kennebec Telephone's dialing parity implementation plan is approved.

Dated at Pierre, South Dakota, this 22nd day of June, 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:	<u><i>Helaine Kalbo</i></u>
Date:	<u>6/23/99</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