

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

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| IN THE MATTER OF THE FILING BY) | ORDER GRANTING |
| WESTERN TELEPHONE COMPANY FOR) | PETITION FOR |
| APPROVAL OF DIALING PARITY) | SUSPENSION AND |
| IMPLEMENTATION PLAN AND PETITION FOR) | MODIFICATION |
| SUSPENSION AND MODIFICATION OF) | |
| DIALING PARITY) | TC99-046 |

On April 21, 1999, Western Telephone Company (Western 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 15, 1999. Western Telephone has fewer than 2% of the nation's subscriber lines installed in the aggregate. "Western Telephone Company seeks the suspension and modification because at this time negotiations are ongoing and no decision has yet been reached regarding whether or not intraLATA equal access will be provided by South Dakota Network as centralized equal access, or, if Western Telephone Company will make the requisite changes to provide intraLATA dialing parity from its end offices. It is technically infeasible and, hence, inconsistent with the public interest, to reach this decision and implement either alternative by July 22, 1999, the deadline according to [the FCC order in CC Docket No. 96-98, Order adopted March 19 and released March 23, 1999,] FCC 99-54." Western Telephone submitted a centralized intraLATA equal access plan.

The Commission requested comments on Western 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 15, 1999. The Commission finds, 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 technically infeasible since Western Telephone needs additional time to decide whether intraLATA equal access will be provided by the South Dakota Network as centralized equal access, or, if Western Telephone will make the necessary changes to provide intraLATA dialing parity from its end offices. The Commission further finds that the suspension and modification is consistent with the public interest, convenience, and necessity. In making this determination, the Commission notes that the suspension and modification is for a short time period. It is therefore

ORDERED, that Western Telephone's petition for suspension and modification of the requirement for implementing intraLATA dialing parity until September 15, 1999, is granted.

Dated at Pierre, South Dakota, this 22nd day of June, 1999.

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| 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>Dulcine Kalbo</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