

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

<b>IN THE MATTER OF THE ANALYSIS OF )</b>	
<b>QWEST CORPORATION'S COMPLIANCE )</b>	<b>ORDER GRANTING</b>
<b>WITH SECTION 271(c) OF THE )</b>	<b>MOTIONS; ORDER</b>
<b>TELECOMMUNICATIONS ACT OF 1996 )</b>	<b>AMENDING PROCEDURAL</b>
)	<b>SCHEDULE AND</b>
)	<b>EXTENDING HEARING</b>
)	<b>DATES</b>
)	<b>TC01-165</b>

On October 25, 2001, Qwest Corporation (Qwest) filed with the Commission a Petition for Commission Recommendation that the Federal Communications Commission Grant Qwest Corporation Entry into the In-Region InterLATA Market Under Section 271 of the Telecommunications Act Of 1996. Specifically, Qwest requests that this Commission find, based upon the record presented, that Qwest has met the competitive checklist and other requirements of 47 U.S.C. section 271, which prescribe the mechanism by which Qwest may be found eligible to provide in-region interLATA services and rely upon that finding to provide a favorable recommendation to the Federal Communications Commission (FCC). In support of its petition, Qwest submitted 25 affidavits, a revised Statement of Generally Available Terms, and seven Reports submitted in the Seven-State Process.

On November 1, 2001, the Commission electronically transmitted notice of the filing and the intervention deadline of November 16, 2001, to interested individuals and entities. A Petition for Leave to Intervene was received from Black Hills FiberCom, L.L.C. (Black Hills FiberCom) on November 7, 2001, a Petition to Intervene was received from Midcontinent Communications (Midcontinent) on November 9, 2001, and a Petition for Leave to Intervene was received from AT&T Communications of the Midwest, Inc. (AT&T) on November 15, 2001. At its November 27, 2001, meeting, the Commission granted the interventions. The Commission also requested that the parties submit proposed procedural schedules by December 7, 2001. The Commission received proposed procedural schedules from all of the parties.

At its December 12, 2001, meeting, the Commission set the following procedural schedule:

January 18, 2002 - Intervenors and Staff identify disputed issues (except for issues relating to the final OSS report which has not been issued yet);

February 7, 2002 - A prehearing conference will be held beginning at 2:30 p.m., in Room 468, State Capitol Building, Pierre, South Dakota;

March 18, 2002 - Staff and Intervenors' testimony is due;

April 2, 2002 - Qwest may file rebuttal testimony; and

April 22-26, 2002 - A hearing will be held beginning at 9:00 a.m. on April 22, 2002 and continuing through April 26, 2002, in Room 412, State Capitol Building, Pierre, South Dakota.

On March 5, 2002, Black Hills FiberCom filed a Motion for Order Denying Petition. On March 6, 2002, Qwest filed a Motion to Remove Document from Commission Record. On March 7, 2002,

Midcontinent filed a Motion for Definition of Track A Analysis. On March 11, 2002, Midcontinent submitted a Motion to Suspend Procedural Schedule or Supplement Prefiled Testimony. On March 13, 2002, AT&T filed a Joinder on Midcontinent Communications' Motion to Suspend Procedural Schedule and Request for Expedited Decision.

At its March 14, 2002, meeting, the Commission considered Midcontinent's Motion to Suspend Procedural Schedule or Supplement Prefiled Testimony and AT&T's Joinder on Midcontinent Communications' Motion to Suspend Procedural Schedule and Request for Expedited Decision. After listening to the arguments of the parties, the Commission voted to grant Midcontinent's Motion to Supplement Prefiled Testimony. Thus, if the Commission's decisions on Black Hills FiberCom's motion or Midcontinent's motion concerning Track A impact the prefiled testimony of any of the parties, the parties will have the opportunity to supplement their prefiled testimony prior to the hearing. The Commission also voted to deny AT&T's Motion to Suspend Procedural Schedule.

At its March 28, 2002, meeting, the Commission considered Qwest's Motion to Remove Document from Commission Record, Black Hills FiberCom's Motion for Order Denying Petition, and Midcontinent's Motion for Definition of Track A Analysis. The Commission also considered scheduling additional time for the hearing and how to schedule witnesses and/or issues for the hearing.

At the meeting, no one objected to Qwest's Motion to Remove Document from Commission Record. The Commission voted to grant the motion. The Commission then listened to arguments concerning Black Hills FiberCom's Motion for Order Denying Petition and Midcontinent's Motion for Definition of Track A Analysis. After considering the arguments of the parties, the Commission voted to grant Midcontinent's Motion. The Commission found that Qwest may not rely solely on its SGAT to prove compliance with the 14 point checklist but should also use interconnection agreements and any other evidence to demonstrate to the Commission that it is in compliance with the checklist items. In addition, based on its March 20, 2002, order, the Commission will allow supplemental testimony to be filed. Staff and Intervenors may file supplemental testimony on or before April 10, 2002, and Qwest may file supplemental testimony on or before April 16, 2002.

The Commission also considered scheduling additional time for the hearing. The Commission finds that it will extend the time for the hearing through the morning of May 9, 2002. Thus, the hearing will be held beginning at 9:00 a.m. on April 22, 2002 and continuing through the morning of May 9, 2002, in Room 412, State Capitol Building, Pierre, South Dakota. The Commission has also reserved Room 413 for additional space, given the large volume of documents in this case.

It is therefore

ORDERED, that Qwest's Motion to Remove Document from Commission Record is granted; and it is

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FURTHER ORDERED, that Midcontinent's Motion for Definition of Track A Analysis is granted as described above; and it is

FURTHER ORDERED, that the Commission will allow supplemental testimony to be filed as described above; and it is

FURTHER ORDERED, that the hearing will be held beginning at 9:00 a.m. on April 22, 2002 and continuing through the morning of May 9, 2002, in Room 412, State Capitol Building, Pierre, South Dakota.

Dated at Pierre, South Dakota, this 4<sup>th</sup> day of April, 2002.

<b>CERTIFICATE OF SERVICE</b>
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>Alaine Kalbo</u>
Date: <u>4/4/02</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Robert K. Sahr  
ROBERT K. SAHR, Commissioner

