

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

IN THE MATTER OF THE APPLICATION OF)	ORDER REQUIRING
QWEST CORPORATION TO RECLASSIFY)	DEPOSIT AND DENYING
LOCAL EXCHANGE SERVICES AS FULLY)	MOTION TO APPORTION
COMPETITIVE)	DEPOSIT
)	TC03-057
)	

On March 14, 2003, the South Dakota Public Utilities Commission (Commission) received the complaint of Qwest Corporation (Qwest) to reclassify local exchange and other related services as fully competitive in all Qwest exchanges in South Dakota (Complaint).

On March 20, 2003, the Commission electronically transmitted notice of the filing and the intervention deadline of April 4, 2003, to interested individuals and entities. Black Hills FiberCom, L.L.C. (Black Hills) filed a Petition for Leave to Intervene on March 26, 2003, Northern Valley Communications, L.L.C. (NVC) filed a Petition to Intervene on March 28, 2003, Midcontinent Communications, Inc. (Midcontinent) filed a Petition to Intervene on April 2, 2003, PrairieWave Telecommunications, Inc. and PrairieWave Community Telephone, Inc. (PrairieWave) filed a Petition to Intervene on April 3, 2003, and Midstate Telecom, Inc. (Midstate), South Dakota Telecommunications Association (SDTA) and WorldCom (WorldCom) filed Petitions to Intervene on April 4, 2003.

On April 30, 2003, notice was given by the Commission that the issue of whether Qwest should be required to make a deposit of up to \$75,000 pursuant to SDCL 49-31-44 to defray the Commission's costs of the proceeding would be on the agenda for decision at its May 6, 2003, meeting. At the May 6, 2003, meeting, Qwest argued that any deposit should be apportioned among all of the parties, including intervenors. Intervenors objected to consideration of apportionment because notice of the issue had not been included in the agenda notice. The Commission deferred decision to allow Qwest to file and serve notice of its motion to apportion. Qwest filed a Motion to Apportion Deposit on May 22, 2003. WorldCom filed a Response to Qwest's Motion to Apportion Deposit on May 28, 2003. Midcontinent, SDTA and Black Hills filed Responses to Qwest's Motion to Apportion Deposit on May 30, 2003, and Midstate filed a Response to Qwest's Motion to Apportion Deposit on June 2, 2003.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, specifically SDCL 49-31-3, 49-31-3.2 and 49-31-44 and ARSD 20:10:24:11 through 20:10:24:19.

On June 3, 2003, at a regularly scheduled meeting, the Commission considered the Motion to Apportion Deposit and whether to require a deposit. The Commission voted unanimously to deny the Motion to Apportion Deposit, to require Qwest to make a deposit in an amount up to \$75,000.00, which shall include the amount that it currently has on deposit with the Commission, and to assess amounts in addition to the amount currently on deposit only in the event that the current deposit amount is insufficient to pay the costs incurred. It is therefore

ORDERED, that the Motion to Apportion Deposit is hereby denied. It is

FURTHER ORDERED, that Qwest shall make a deposit pursuant to SDCL 49-31-44 in an amount up to \$75,000.00, which shall include the amount that it currently has on deposit with the

Commission, and shall be assessed amounts in addition to the amount currently on deposit up to the difference between the current deposit amount and \$75,000.00 in the event that the current deposit amount is insufficient to pay the costs incurred by the Commission.

Dated at Pierre, South Dakota, this 7th day of July, 2003.

<p align="center">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u><i>Dellaine Kolbo</i></u></p> <p>Date: <u>7/7/03</u></p> <p align="center">(OFFICIAL SEAL)</p>
--

BY ORDER OF THE COMMISSION:

Robert K. Sahr

ROBERT K. SAHR, Chairman

Gary Hanson

GARY HANSON, Commissioner

James A. Burg

JAMES A. BURG, Commissioner