

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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FEB 13 2004

IN THE MATTER OF )  
MIDCONTINENT COMMUNICATIONS )  
PETITION FOR WAIVER PURSUANT )  
TO RULE 20:10:33:30 OF THE )  
SERVICE STANDARD CONTAINED IN )  
ARSD 20:10:33:19 )

STIPULATION

TC03-097

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

RECITALS

WHEREAS Midcontinent Communications, Inc. (Midcontinent) utilize a coaxial cable-based system for provision of telephone services to its customers; and

WHEREAS James Valley Cooperative Telephone Company, Northern Valley Communications, L.L.C., and the member local exchange companies of the South Dakota Telecommunications Association utilize, for the most part, copper based twisted pair systems for the provision of telephone services; and

WHEREAS the parties have learned a great deal about the systems used by each to provide telephone services to their customers throughout the months leading up to this Stipulation; and

WHEREAS the parties have concluded that the auxiliary and battery power requirements contained in ARSD § 20:10:33:19 of the Commission's rules do not set forth requirements that adequately address the various technologies that may be used by local exchange carriers in their provision of telephone services.

NOW THEREFORE the parties do hereby agree and stipulate as follows:

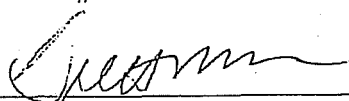
1. The parties agree that the Commission may issue an order granting Midcontinent a waiver from the current provisions contained in ARSD § 20:10:33:19 of the Commission's rules as they relate to the battery back up that is utilized for remote terminating electronics;

2. The parties agree that the Commission may grant such waiver on the condition that the Parties, or any Party, by April 15, 2004, initiate a rulemaking proceeding including proposed revisions of the current provisions of ARSD § 20:10:33:19 so that they adequately address the different technology deployments that are being utilized to provide facilities based telecommunications services and treat fairly the various carriers that are competing in the provisioning of local telecommunications services; and

3. In the event that any Party has not by April 15, 2004, initiated a rulemaking proceeding including proposed revisions to ARSD § 20:10:33:19, the order granting

Midcontinent a waiver shall expire and James Valley Cooperative Telephone Company, Northern Valley Communications, L.L.C., and SDTA reserve the right to seek action from the Commission mandating Midcontinent's complete compliance with such rule; and

4. By entering into this stipulation, the parties do not waive any claim or defense in any subsequent proceeding, and the entry of this order approving the waiver shall not be construed against the claims of James Valley Cooperative Telephone Company, Northern Valley Communications, L.L.C., or SDTA in any subsequent proceedings.



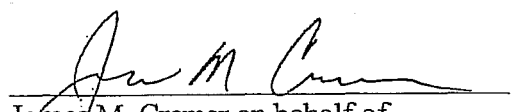
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Dated: 2/13/04



Rich Coit on behalf of  
South Dakota Telecommunications  
Association

Dated: 2/12/04



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Dated: 2-12-04