

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

IN THE MATTER OF THE PETITION OF) MIDCONTINENT COMMUNICATIONS FOR A) WAIVER OF ARSD 20:10:33:19)))	ORDER APPROVING STIPULATION AND GRANTING THE PETITION FOR WAIVER TC03-097
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On June 19, 2003, the Public Utilities Commission (Commission) received a Petition for Waiver from Midcontinent Communications (Midcontinent) requesting a waiver of ARSD 20:10:33:19.

On June 26, 2003, the Commission electronically transmitted notice of the filing and the intervention deadline of July 11, 2003, to interested individuals and entities. At its regularly scheduled meeting of August 4, 2003, the Commission granted the Petitions to Intervene filed by South Dakota Telecommunications Association (SDTA) and Northern Valley Communications, L.L.C. (NVC). On September 23, 2003, Midcontinent filed an Affidavit of W. Tom Simmons and Brief in Support of Petition for Waiver. The Commission deferred this matter at its January 20, 2004, meeting. On February 13, 2004, Midcontinent, SDTA and NVC filed a Stipulation.

The Commission considered this matter at its February 17, 2004, meeting. Staff recommended that the Commission approve the Stipulation and grant the Petition for Waiver in accordance with the terms of the Stipulation.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31 and ARSD 20:10:01:15.05, 20:10:33:19, and 20:10:33:30.

The Commission voted to approve the Stipulation and grant the Petition for Waiver in accordance with the terms of the Stipulation. It is therefore

ORDERED, that the Stipulation is approved and is incorporated by reference into this Order; it is further

ORDERED, that the Petition for Waiver is hereby granted in accordance with the terms of the Stipulation.

Dated at Pierre, South Dakota, this 25th day of February, 2004.

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 Kalles</i></u>
Date: <u><i>2/26/04</i></u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner