

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

<b>IN THE MATTER OF THE FILING BY WWC )</b>	<b>ORDER FOR AND NOTICE</b>
<b>LICENSE, LLC D/B/A CELLULARONE FOR )</b>	<b>OF PROCEDURAL</b>
<b>DESIGNATION AS AN ELIGIBLE )</b>	<b>SCHEDULE AND HEARING</b>
<b>TELECOMMUNICATIONS CARRIER IN OTHER )</b>	
<b>RURAL AREAS )</b>	<b>TC03-191</b>

On November 5, 2003, the Public Utilities Commission (Commission) received a filing by WWC Holding Co., Inc. d/b/a CellularOne (Western Wireless) petitioning for approval of it as an eligible telecommunications carrier (ETC) in the study areas of the following rural telephone companies: Golden West Telecommunications Cooperative, Inc., James Valley Cooperative Telephone Company, Splitrock Properties, Inc., Venture Communications Cooperative f/k/a Sully Buttes Telephone Cooperative, Inc., Tri-County Telcom, Inc., Vivian Telephone Company, West River Telecommunications Cooperative (Mobridge) - SD, and West River Telecommunications Cooperative - SD.

On November 6, 2003, the Commission electronically transmitted notice of the filing and the intervention deadline of November 21, 2003, to interested individuals and entities. On November 21, 2003, Petitions to Intervene were filed by James Valley Cooperative Telephone Company, South Dakota Telecommunications Association, Alliance Communications Cooperative, Inc., Splitrock Properties, Inc., West River Telecommunications Cooperative, Golden West Telecommunications Cooperative, Inc., Vivian Telephone Company, Venture Communications Cooperative, and Tri-County Telcom, Inc. Western Wireless objected to the intervention of South Dakota Telecommunications Association. At its regularly scheduled meeting of December 2, 2003, the Commission granted the above Petitions to Intervene. On January 2, 2004, Western Wireless filed a Motion to Amend Petition to substitute as petitioner WWC License, LLC as the correct party. At its regularly scheduled meeting of January 20, 2004, the Commission granted the Motion to Amend Petition.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-31, including 1-26-18, 1-26-19, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, 49-31-78, 49-31-81; ARSD 20:10:32:42 through 20:10:32:46, inclusive; and 47 U.S.C. § 214(e)(1) through (5).

The issue at the hearing is whether WWC License, LLC should be granted designation as an eligible telecommunications carrier in the study areas of the above listed rural telephone companies.

The procedural schedule regarding the filing of testimony is as follows:

December 30, 2003 - WWC License, LLC filed its direct testimony;

March 15, 2004 - Intervenors shall file reply testimony;

March 29, 2004 - WWC License, LLC may file rebuttal testimony;

April 8, 2004 - Intervenors may file surrebuttal testimony.

A hearing will be held beginning at 9:30 A.M. on May 4, 2004, and continuing at 8:00 A.M. on May 5 and 6, 2004, in Room 412, State Capitol Building, Pierre, South Dakota.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission may either grant or deny the request of WWC License, LLC to be designated as an eligible telecommunications carrier. The Commission's Final Decision may be appealed to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that the parties shall comply with the procedural schedule listed above; and it is

FURTHER ORDERED, that a hearing shall be held at the time and place specified above on the issue of whether WWC License, LLC should be granted designation as an eligible telecommunications carrier in the study areas of the above listed rural telephone companies.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 13<sup>th</sup> day of February, 2004.

<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>Delaine Kolbo</u>
Date:	<u>2/13/04</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Robert K. Sahr  
ROBERT K. SAHR, Chairman *dk*

Gary Hanson  
GARY HANSON, Commissioner

James A. Burg  
JAMES A. BURG, Commissioner