

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

IN THE MATTER OF THE FILING FOR)	ORDER FOR AND NOTICE
APPROVAL OF AN INTERCONNECTION)	OF PROCEDURAL
AGREEMENT BETWEEN MIDCONTINENT)	SCHEDULE AND HEARING
COMMUNICATIONS AND INTERSTATE)	
TELECOMMUNICATIONS COOPERATIVE, INC.)	TC03-192

On November 12, 2003, Midcontinent Communications (Midcontinent) filed for approval by the South Dakota Public Utilities Commission (Commission) an interconnection agreement between Interstate Telecommunications Cooperative, Inc. (ITC) and Midcontinent. On December 22, 2003, the Commission issued an order approving the interconnection agreement in accordance with 47 U.S.C. Section 252. On March 10, 2004, Midcontinent filed a Motion to Compel Local Number Porting or Good Faith Negotiation requesting the Commission to establish a procedural schedule, schedule an evidentiary hearing, order ITC to engage in good faith negotiations to be concluded on or before May 6, 2004, and order ITC to provide wire to wire porting not later than May 24, 2004. On March 30, 2004, ITC filed an Opposition to Motion to Compel. The Commission considered the scheduling issues at its regular meeting on April 6, 2004, and voted unanimously to establish a procedural schedule and to schedule the matter for hearing on June 21, 2004.

The Commission has jurisdiction in this matter pursuant to SDCL Chapter 49-31, including 49-31-3, 49-31-80 and 49-31-81 and Sections 251 and 252 of the Telecommunications Act of 1996, 47 U.S.C. Sections 251 and 252 and ARSD 20:10:32:39.

Procedural Schedule

The due dates for pre-filing of testimony are as follows (all dates 2004):

- May 14 Midcontinent's direct testimony and exhibits
- May 28 ITC's and Staff's reply testimony and exhibits
- June 14 Midcontinent's rebuttal testimony and exhibits

The schedule for discovery is as follows (all dates 2004):

- April 28 General interrogatories, document requests and other general discovery requests by all parties
- May 11 Responses to general discovery requests by all parties
- May 18 Supplemental discovery requests by ITC and Staff following Midcontinent's pre-filed testimony
- May 24 Midcontinent's responses to supplemental discovery requests
- June 3 Supplemental discovery requests by Midcontinent following ITC's and Staff's pre-filed testimony
- June 10 ITC's and Staff's responses to Midcontinent's supplemental discovery requests

Notice of Hearing

A hearing will be held on this matter beginning at 10:00 A.M. on June 21, 2004, and continuing, if necessary, at 9:00 A.M. on June 22 - 25, 2004, in the Second Floor Conference Room of the Soldiers and Sailors War Memorial Building (across Capitol Avenue from the Capitol Building), Pierre, South Dakota

The issue at the hearing will be whether the Commission shall issue an order requiring ITC to engage in good faith negotiations regarding local number porting to Midcontinent and/or an order requiring ITC to provide wire to wire number porting to Midcontinent.

The hearing will 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 will be forfeited if not exercised at the hearing. If a party or its representative fails to appear at the time and place set for the hearing, the Final Decision may 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. As a result of the hearing, the Commission may either grant or deny the request of Midcontinent for an order requiring ITC to engage in good faith negotiations regarding number porting to Midcontinent and/or an order requiring ITC to provide wire to wire number porting to Midcontinent. 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 and discovery schedule set forth above; and it is

FURTHER ORDERED, that a hearing shall be held at the time and place specified above on the issue of whether Midcontinent's request for an order requiring ITC to engage in good faith negotiations regarding number porting to Midcontinent and/or an order requiring ITC to provide wire to wire number porting to Midcontinent should be granted.

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 4th day of May, 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>Helaine Kalbo</u>
Date:	<u>5/5/04</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