

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

<b>IN THE MATTER OF THE PETITION OF CITY</b>	<b>)</b>	<b>ORDER GRANTING INTERIM</b>
<b>OF FAITH TELEPHONE COMPANY FOR</b>	<b>)</b>	<b>SUSPENSION PENDING</b>
<b>SUSPENSION OR MODIFICATION OF 47</b>	<b>)</b>	<b>FINAL DECISION AND</b>
<b>U.S.C. § 251(B)(2) OF THE COMMUNICATIONS</b>	<b>)</b>	<b>ORDER GRANTING</b>
<b>ACT OF 1934 AS AMENDED</b>	<b>)</b>	<b>INTERVENTION</b>
	<b>)</b>	<b>TC04-051</b>

On March 12, 2004, City of Faith Telephone Company (Faith) filed a petition seeking suspension or modification of its requirement to implement local number portability (LNP) pursuant to Section 251(b)(2) of the Telecommunications Act of 1996. According to Faith, it has received a request to deploy LNP from Celco Partnership d/b/a Verizon Wireless. Faith states that it is a small telephone company that serves less than two percent of the nation's subscriber lines installed in the aggregate nationwide, therefore under Section 251(f)(2) Faith may petition the Commission for suspension or modification of its obligation to implement LNP within six months of a request to deploy LNP. Faith "requests the Commission to (1) issue an interim order that suspends any obligation that may exist for Faith to provide LNP until six months after entry of a final order herein; (2) issue a final order that grants a permanent suspension for Faith's obligation to implement LNP until conditions are met as described herein; and (3) grant Faith such other and further relief that may be proper."

On March 18, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of April 2, 2004, to interested individuals and entities. Midcontinent Communications (Midcontinent) filed to intervene on March 24, 2004, WWC License LLC d/b/a CellularOne (Western Wireless) filed to intervene on March 30, 2004, and the South Dakota Telecommunications Association (SDTA) filed to intervene on March 31, 2004.

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

At a regularly scheduled meeting of April 6, 2004, the Commission heard arguments from Faith, Midcontinent, Western Wireless and SDTA regarding Faith's request for an order granting interim suspension. Pursuant to 47 U.S.C. Section 251(f)(2) of the Telecommunications Act of 1996 and SDCL 49-31-80, the Commission voted to grant the request for an interim suspension order pending final decision. Faith opposed the intervention of Midcontinent. Following argument by the parties, the Commission found that the Petitions to Intervene were timely filed and demonstrated good cause to grant intervention. It is therefore

**ORDERED**, that the request for an interim suspension order pending final decision is hereby granted; and it is further

**ORDERED**, that the Petitions to Intervene of Midcontinent, Western Wireless and SDTA are hereby granted.

Dated at Pierre, South Dakota, this 19<sup>th</sup> day of April, 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:           *Alaine Kalbo*          

Date:           *4/20/04*          

(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