

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

IN THE MATTER OF THE PETITION OF CELLCO  
PARTNERSHIPS AND ITS SUBSIDIARIES AND  
AFFILIATES TO AMEND AND CONSOLIDATE  
ELIGIBLE TELECOMMUNICATIONS CARRIER  
DESIGNATIONS IN THE STATE OF SOUTH  
DAKOTA AND TO PARTIALLY RELINQUISH  
ETC DESIGNATIONS

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**ORDER FOR AND NOTICE  
OF PROCEDURAL  
SCHEDULE AND HEARING**

**TC10-090**

On September 3, 2010, the Public Utilities Commission (Commission) received a petition from Cellco Partnership d/b/a Verizon Wireless, and its subsidiaries and affiliates offering commercial mobile radio services in South Dakota (Verizon Wireless), to amend and consolidate the eligible telecommunications carrier (ETC) designations currently held separately in the name of WWC License, LLC (WWC) and RCC Minnesota, Inc. (RCC) in the state of South Dakota to reflect Cellco Partnership and its affiliated legal entities as the designated entity. Verizon Wireless requests that amendment and consolidation of the ETC designations be deemed effective immediately. Verizon Wireless further requests that the partial relinquishment of WWC's ETC status in the Golden West Telecommunications Cooperative, Inc. (Golden West) Study Area Code 391659 be deemed effective immediately. On September 9, 2010, the Commission electronically transmitted notice of the filing to interested individuals and entities. The notice stated that any person wishing to intervene had until September 24, 2010, to do so. On September 24, 2010, the Commission received a Petition to Intervene from South Dakota Telecommunications Association (SDTA) and Golden West Telecommunications Cooperative, Inc. (Golden West). On October 12, 2010, the Commission granted intervention to SDTA and Golden West. On October 14, 2010, James Valley Wireless (James Valley) filed a Petition to Intervene. On October 26, 2010, the Commission granted intervention to James Valley.

On November 5, 2010, Verizon Wireless filed a Motion Requesting Confidentiality Agreement. The motion was granted and a protective order was issued by the Commission. On November 12, 2010, Verizon Wireless filed a Motion for Commission Approval of Partial Relinquishment of ETC Designation. On November 15, 2010, Verizon Wireless filed a proposed Order Approving Partial Relinquishment of ETC Designation. On November 16, 2010, the Commission approved the request for partial relinquishment of WWC's ETC designation.

The Commission has jurisdiction in this matter pursuant to 47 U.S.C. § 214(e)(4), 47 C.F.R § 54.205(a)-(b), SDCL 49-31-78, and ARSD 20:10:32:48.

At the scheduling conference held on November 8, 2010, the following procedural schedule was arrived at among the parties to conform to the Commission's directive:

November 12, 2010	Initial discovery to Verizon Wireless
December 6, 2010	Verizon Wireless' responses to initial discovery
December 10, 2010	Follow-up discovery to Verizon Wireless
December 23, 2010	Verizon Wireless' responses to follow-up discovery

December 23, 2010	Verizon Wireless' direct testimony served
January 18, 2011	Interveners & Staff responsive testimony served
January 24, 2011	Verizon discovery to Interveners
February 4, 2011	Interveners' responses to discovery
February 22, 2011	Verizon Wireless' rebuttal testimony served
March 9-10, 2011	Hearing

**PLEASE TAKE NOTICE** that a hearing shall be held commencing at 9:00 a.m., with marking of exhibits to begin at 8:00 a.m., on Wednesday, March 9, 2011, and continuing at 9:00 a.m. on March 10, 2011, in Conference Room 3, Kneip Building, 700 Governors Drive, First Floor, Pierre, South Dakota. The hearing is open to the public. All persons testifying shall be subject to cross-examination.

The issue at the hearing is whether the Commission shall grant Cellco Partnership d/b/a Verizon Wireless, and its subsidiaries and affiliates offering commercial mobile radio services in South Dakota (Verizon Wireless), request to amend and consolidate the ETC designations currently held separately in the name of WWC and RCC in the state of South Dakota to reflect Cellco Partnership and its affiliated legal entities as the designated entity.

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 this hearing, the Commission shall determine whether it shall grant Cellco Partnership d/b/a Verizon Wireless, and its subsidiaries and affiliates offering commercial mobile radio services in South Dakota (Verizon Wireless), request to amend and consolidate the ETC designations currently held separately in the name of WWC and RCC in the state of South Dakota to reflect Cellco Partnership and its affiliated legal entities as the designated entity. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that the procedural schedule set forth above shall be followed by all parties to these proceedings. It is further

ORDERED, that the hearing shall commence at 9:00 a.m., with marking of exhibits to begin at 8:00 a.m., on Wednesday, March 9, 2011, and continuing at 9:00 a.m., on March 10, 2011, in Room 414 of the State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota.

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 30<sup>th</sup> day of November, 2010.

<p style="text-align: center;"><b>CERTIFICATE OF SERVICE</b></p> <p>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, electronically.</p> <p>By: <u>[Signature]</u></p> <p>Date: <u>11/30/10</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

[Signature: Steve Kolbeck]

STEVE KOLBECK, Chairman

[Signature: Gary Hanson]

GARY HANSON, Commissioner

[Signature: Dustin M. Johnson]

DUSTIN M. JOHNSON Commissioner