

RM 98-001

RW

DOCKET NO.

In the Matter of TELECOMMUNICATIONS RULEMAKING

Public Utilities Commission of the State of South Dakota

DATE	MEMORANDUM
9/28 98	Opened;
9/28 98	Admission of Service signed by Dave Velt (Comm + Reg);
9/28 98	Waiver of Waiting Period signed by Dave Velt (Comm + Reg);
9/28 98	Admission of Service signed by Cindy Kayser (B + M);
9/29 98	Admission of Service signed by Steve A. Comp (RC);
9/29 98	Final Rate signed by Dave Velt (Comm + Reg);
9/29 98	Final Rate signed by Steve A. Comp (RC);
10/2 98	Sent Notice to S. & W. Republic, Capital Journal & E. Journal;
10/6 98	Applicant of Waiver Notice to Interested Parties;
10/31 98	Comments of recent Comm;
10/27 98	Comments of Steve Stewart on behalf of the Division of Public Utilities;
11/7 98	Comments of Joseph D. Clark;
11/7 98	Comments of SDITC;
11/7 98	Transcript of Hearing held on 11/2/98;
11/7 98	Applicant of Publication from Capital Journal;
11/12 98	Comments of James Valley Cooperative Telephone Company;
11/12 98	Comments of Telecommunications Industry Association;
11/12 98	Reply Comments of SDITC;
11/12 98	Comments of Black Hills TeleCom;
11/13 98	Comments of Sprint;
11/13 98	Comments of MCI WorldCom;
11/13 98	Comments of DTB;
11/13 98	Comments of US West;
11/13 98	Comments of AT&T;
11/25 98	Minutes of Public Hearing;

11/25/98

Approval of Rules;

12/7/98 Certificate;

12/23/98 Application for Reconsideration, Clarification or Withdrawal (CATET);

1/5/99 Amended Application for Reconsideration, Clarification or Withdrawal (CATET);

1/20/99 Order Denying CATET Application and Amended Application for Reconsideration, Clarification or Withdrawal (CATET);

1/20/99 Packet Closed.

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) Public Utilities Commission's proposed revised rules §§ 20:10:01:01, 20:10:01:01:01, 20:10:01:02, 20:10:01:07:01, 20:10:01:10, 20:10:01:11:01, 20:10:01:15, 20:10:01:15:02, 20:10:01:15:06, 20:10:01:17, 20:10:01:22:01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30:01, 20:10:01:30:02, 20:10:01:32, 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04, 20:10:28:45, 20:10:28:47, 20:10:28:105, 20:10:28:108, 20:10:28:117, 20:10:28:118, 20:10:29:14, 20:10:29:20, 20:10:29:34, 20:10:29:43. The Public Utilities Commission's proposed new rules §§ 20:10:24:03:01, 20:10:24:04:01, 20:10:24:04:02, 20:10:24:04:03, 20:10:24:04:04, 20:10:24:04:05, §§ 20:10:32:01 to 20:10:32:51, inclusive, §§ 20:10:33:01 to 20:10:33:34, inclusive, and §§ 20:10:34:01 to 20:10:34:11, inclusive. The Public Utilities Commission's proposed repeal of §§ 20:10:25:01, 20:10:25:02, 20:10:25:03, 20:10:25:04, 20:10:28:115, and
- (2) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this 28th day of September, 1998.


Secretary of Department of Commerce and Regulation

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

WAIVER OF WAITING PERIOD

Pursuant to SDCL subdivision 1-26-4(2), I, David Volk, Secretary of Department of Commerce and Regulation, waive the fifteen-day waiting period before proceeding with the promulgation of the Public Utilities Commission's proposed revised rules: §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07:01, 20:10:01:10, 20:10:01:11:01, 20:10:01:15, 20:10:01:15.02, 20:10:01:15.05, 20:10:01:17, 20:10:01:22:01, 20:10:01:25, 20:10:01:29, 20:10:01:29, 20:10:01:30:01, 20:10:01:30:02, 20:10:01:32, 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04, 20:10:28:45, 20:10:28:47, 20:10:28:105, 20:10:28:106, 20:10:28:117, 20:10:28:118, 20:10:29:14, 20:10:29:20, 20:10:29:34, 20:10:29:43. The Public Utilities Commission's proposed new rules: §§ 20:10:24:03:01, 20:10:24:04:01, 20:10:24:04:02, 20:10:24:04:03, 20:10:24:04:04, 20:10:24:04:05, §§ 20:10:32:01 to 20:10:32:51, inclusive, §§ 20:10:33:01 to 20:10:33:34, inclusive, and §§ 20:10:34:01 to 20:10:34:11, inclusive. The Public Utilities Commission's proposed repeal of §§ 20:10:25:01, 20:10:25:02, 20:10:25:03, 20:10:25:04, 20:10:28:115.

Dated this 28th day of September, 1998.


Secretary of Department of Commerce and Regulation

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) Public Utilities Commission's proposed revised rules §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07.01, 20:10:01:10, 20:10:01:11.01, 20:10:01:15, 20:10:01:15.02, 20:10:01:15.06, 20:10:01:17, 20:10:01:22.01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30.01, 20:10:01:30.02, 20:10:01:32, 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04, 20:10:28:45, 20:10:28:47, 20:10:28:105, 20:10:28:109, 20:10:28:117, 20:10:28:118, 20:10:29:14, 20:10:29:20, 20:10:29:34, 20:10:29:43. The Public Utilities Commission's proposed new rules §§ 20:10:24:03.01, 20:10:24:04.01, 20:10:24:04.02, 20:10:24:04.03, 20:10:24:04.04, 20:10:24:04.05, §§ 20:10:32:01 to 20:10:32:51, inclusive, §§ 20:10:33:01 to 20:10:33:34, inclusive, and §§ 20:10:34:01 to 20:10:34:11, inclusive. The Public Utilities Commission's proposed repeal of §§ 20:10:25:01, 20:10:25:02, 20:10:25:03, 20:10:25:04, 20:10:28:115.
- (2) the notice of hearing,
- (3) the fiscal note, and
- (4) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this 27th day of September, 1998


Legislative Research Council

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) Public Utilities Commission's proposed revised rules §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07.01, 20:10:01:10, 20:10:01:11.01, 20:10:01:15, 20:10:01:15.02, 20:10:01:15.06, 20:10:01:17, 20:10:01:22.01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30.01, 20:10:01:30.02, 20:10:01:32, 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04, 20:10:28:45, 20:10:28:47, 20:10:28:105, 20:10:28:108, 20:10:28:117, 20:10:28:118, 20:10:29:14, 20:10:29:20, 20:10:29:34, 20:10:29:43. The Public Utilities Commission's proposed new rules §§ 20:10:24:03.01, 20:10:24:04.01, 20:10:24:04.02, 20:10:24:04.03, 20:10:24:04.04, 20:10:24:04.05, §§ 20:10:32:01 to 20:10:32:51, inclusive, §§ 20:10:33:01 to 20:10:33:34, inclusive, and §§ 20:10:34:01 to 20:10:34:11, inclusive. The Public Utilities Commission's proposed repeal of §§ 20:10:25:01, 20:10:25:02, 20:10:25:03, 20:10:25:04, 20:10:28:115.
- (2) the notice of hearing, and
- (3) the fiscal note

is hereby admitted at Pierre, South Dakota, this 29th day of September, 1998

Priddy Rayson
Bureau of Finance and Management

LIST OF PROPOSED RULES

Revised rules: §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07.01,
20:10:01:10, 20:10:01:11.01, 20:10:01:15, 20:10:01:15.02, 20:10:01:15.06,
20:10:01:17, 20:10:01:22.01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30.01,
20:10:01:30.02, 20:10:01:32, 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04,
20:10:28:45, 20:10:28:47, 20:10:28:105, 20:10:28:108, 20:10:28:117, 20:10:28:118,
20:10:29:14, 20:10:29:20, 20:10:29:34, 20:10:29:43. New rules: §§ 20:10:24:03.01,
20:10:24:04.01, 20:10:24:04.02, 20:10:24:04.03, 20:10:24:04.04, 20:10:24:04.05, §§
20:10:32:01 to 20:10:32:51, inclusive, §§ 20:10:33:01 to 20:10:33:34, inclusive, and §§
20:10:34:01 to 20:10:34:11, inclusive. Repeat §§ 20:10:25:01, 20:10:25:02,
20:10:25:03, 20:10:25:04, 20:10:28:115.

EXPLANATION OF RULES EFFECT

The Public Utilities Commission will hold a public hearing in Room 412, fourth floor, State Capitol, Pierre, South Dakota, on November 5, 1998, at 9:00 a.m. to consider the adoption and amendment of proposed rules numbered

Revised rules: §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07:01, 20:10:01:10, 20:10:01:11:01, 20:10:01:15, 20:10:01:15:02, 20:10:01:15:06, 20:10:01:17, 20:10:01:22:01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30:01, 20:10:01:30:02, 20:10:01:32, 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04, 20:10:28:45, 20:10:28:47, 20:10:28:105, 20:10:28:108, 20:10:28:117, 20:10:28:118, 20:10:29:14, 20:10:29:20, 20:10:29:34, 20:10:29:43. New rules: §§ 20:10:24:03:01, 20:10:24:04:01, 20:10:24:04:02, 20:10:24:04:03, 20:10:24:04:04, 20:10:24:04:05. §§ 20:10:32:01 to 20:10:32:51, inclusive; §§ 20:10:33:01 to 20:10:33:34, inclusive; and §§ 20:10:34:01 to 20:10:34:11, inclusive. Repeal §§ 20:10:25:01, 20:10:25:02, 20:10:25:03, 20:10:25:04, 20:10:28:115.

The effect of the revisions to §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07:01, 20:10:01:10, 20:10:01:11:01, 20:10:01:15, 20:10:01:15:02, 20:10:01:15:06, 20:10:01:17, 20:10:01:22:01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30:01, 20:10:01:30:02, 20:10:01:32 is to revise procedural rules regarding proceedings before the commission. The revisions clarify the role of commission staff in a docket, simplify the procedures for filing a complaint, revise a definition, increase the number of copies of documents needed to be filed with the commission, revise discovery procedures, and list the procedures and standards to be followed when requesting reconsideration.

Since these are only revisions to procedural rules, these revisions will not have any fiscal impact on state agencies or local governmental subdivisions.

The effects of the revisions to §§ 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04 and the proposed promulgation of §§ 20:10:24:03:01, 20:10:24:04:01, 20:10:24:04:02, 20:10:24:04:03, 20:10:24:04:04, 20:10:24:04:05 are as follows: to add requirements for applying for a certificate of authority for interexchange carriers, to specify decision criteria for granting a certificate of authority, to set standards for the sale, assignment, lease, or transfer of certificates of authority, to set the procedures for suspension or revocation of certificates of authority, and to set the requirements for a performance bond.

Since these revisions and proposed new rules concern certificates of authority for interexchange carriers, there will be no fiscal impact on state agencies or local governmental subdivisions.

The effect of the repeal of §§ 20:10:25:01, 20:10:25:02, 20:10:25:03, and 20:10:25:04 is that the entire chapter regarding the notice required for construction of telecommunications facilities is repealed.

Since the repeal of these rules concerns notice requirements for construction of telecommunications facilities, the repeal will have no fiscal impacts on state agencies or local governmental subdivisions.

The effect of the revisions to §§ 20:10:28:45, 20:10:28:47, 20:10:28:105, 20:10:28:108, 20:10:28:117, 20:10:28:118, 20:10:29:14, 20:10:29:20, 20:10:29:34, 20:10:29:43 and the repeal of § 20:10:28:115 is to delete any recovery of public payphone expenses from the rates charged for intrastate switched access.

Since the reason for the revisions and repeal is to comply with a Federal Communications Commission's ruling that requires the deletion of any recovery of public payphone expenses from the rates charged by local exchange companies for intrastate switched access, these revisions will have no fiscal impact on state agencies or local governmental subdivisions.

The effects of the proposed rules in §§ 20:10:32:01 to 20:10:32:51, inclusive, are as follows: to set the procedures and standards for the grant, denial, sale, assignment, lease, transfer, suspension, or revocation of certificates of authority to provide local exchange service; to set the service obligations of providers of local exchange service; to set annual reporting requirements; to set standards and procedures for discontinuing local exchange service; to set the procedures and standards regarding negotiated, mediated, and arbitrated interconnection agreements; to set the standards and procedures for rural exemptions, suspensions, or modifications of interconnection requirements for rural telephone companies; and to set the procedures and standards for designation of eligible telecommunications carriers.

Since these rules concern the competitive provisioning of local exchange service, there are no fiscal impacts on state agencies or local governmental subdivisions.

The effects of the proposed rules in §§ 20:10:33:01 to 20:10:33:34, inclusive, are to set service standards for telecommunications companies. These standards include the following areas: minimum requirements for current and new telecommunications facilities; requirements regarding sufficient equipment and personnel; requirements for testing, inspecting, maintenance, and repair of facilities; requirements for record keeping, reporting, and planning requirements; and requirements concerning termination of local exchange service.

Since these rules concern service quality standards for telecommunications companies, there are no fiscal impacts on state agencies or local governmental subdivisions.

The effects of the proposed rules in §§ 20:10:34:01 to 20:10:34:11, inclusive, are to prohibit the unauthorized switching of telecommunications carriers and to prohibit charging consumers for unauthorized services. The proposed rules state the procedures for switching telecommunications carriers and list billing requirements. The proposed rules also state the carrier's liability for unauthorized switching or charging for unauthorized services.

Since the reasons for the proposed rules are to set the standards and penalties concerning the switching of telecommunications carriers and to set standards and penalties concerning the billing of customers, there are no fiscal impacts on state agencies or local governmental subdivisions.

**ADMINISTRATIVE PROCEDURES ACT
FISCAL NOTE
Prepared by Submitting Agency**

	CODE	NAME
DEPARTMENT	13	Commerce and Regulation
DIVISION	139	Public Utilities Commission
PROGRAM	1393	Fixed Utilities Division

PROPOSED RULE See attached.
 Hearing Date November 2, 1998

FISCAL NOTE SUMMARY:

List state agencies of local governmental subdivisions affected.

COST INCREASES (DECREASES)

State Agencies:	First-Year Impact	Continuous-Yearly Impact
TOTAL	-0-	-0-
Local Subdivisions:		
TOTAL	-0-	-0-
Revenue Increases (Decreases) State & Local:		
TOTAL	-0-	-0-

APPROVED *Curtis A. Person* DATE 09/30/1998
 Signature Department Secretary or Board or Commission Chairman

ATTACH: Copy of proposed rules; separate sections for: 1) explanation of rules effect, i.e. what procedures, schedules, activities, etc. will change with its adoption 2) statistics used, and their source, 3) assumptions that were made to arrive at fiscal impact, 4) computations that were made.

South Dakota

DEPARTMENT OF EXECUTIVE MANAGEMENT

BUREAU OF FINANCE AND MANAGEMENT

500 East Capitol, Pierre, SD 57501

(605) 773-3411

FAX: (605) 773-4711

GREAT FACES. GREAT PLACES.

September 30, 1998

The Bureau of Finance and Management has reviewed the attached proposed rules from the Public Utilities Commission and concurs with the assumptions and fiscal impact calculations within the attached package.

DL
DL/MS

Public Utilities Commission
Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 412, fourth floor, State Capitol, Pierre, South Dakota, on November 2, 1998, at 8:30 a.m., to consider the adoption and amendment of proposed rules numbered

Revised rules: §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07.01, 20:10:01:10, 20:10:01:11.01, 20:10:01:15, 20:10:01:15.02, 20:10:01:15.06, 20:10:01:17, 20:10:01:22.01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30.01, 20:10:01:30.02, 20:10:01:32, 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04, 20:10:28:45, 20:10:28:47, 20:10:28:105, 20:10:28:108, 20:10:28:117, 20:10:28:118, 20:10:29:14, 20:10:29:20, 20:10:29:34, 20:10:29:43. New rules: §§ 20:10:24:03.01, 20:10:24:04.01, 20:10:24:04.02, 20:10:24:04.03, 20:10:24:04.04, 20:10:24:04.05; §§ 20:10:32:01 to 20:10:32:51, inclusive; §§ 20:10:33:01 to 20:10:33:34, inclusive; and §§ 20:10:34:01 to 20:10:34:11, inclusive. Repeal §§ 20:10:25:01, 20:10:25:02, 20:10:25:03, 20:10:25:04; 20:10:28:115.

The effect of the revisions to §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07.01, 20:10:01:10, 20:10:01:11.01, 20:10:01:15, 20:10:01:15.02, 20:10:01:15.06, 20:10:01:17, 20:10:01:22.01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30.01, 20:10:01:30.02, 20:10:01:32 is to revise procedural rules regarding proceedings before the commission. The revisions clarify the role of commission staff in a docket, simplify the procedures for filing a complaint, revise a definition, increase the number of copies of documents needed to be filed with the commission, revise discovery procedures, and list the procedures and standards to be followed when requesting reconsideration.

The reasons for the revisions to rules contained in ARSD chapter 20:10:01 are to simplify, clarify, and update the commission's procedural rules.

The effects of the revisions to §§ 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04 and the proposed promulgation of §§ 20:10:24:03.01, 20:10:24:04.01, 20:10:24:04.02, 20:10:24:04.03, 20:10:24:04.04, 20:10:24:04.05 are as follows: to add requirements for applying for a certificate of authority for interexchange carriers; to specify decision criteria for granting a certificate of authority; to set standards for the sale, assignment, lease, or transfer of certificates of authority; to set the procedures for suspension or revocation of certificates of authority; and to set the requirements for a performance bond.

The reasons for the revisions to and the proposal of new rules in ARSD chapter 20:10:24 are to clarify and add to the commission's procedures and standards with regard to the grant, denial, sale, assignment, lease, transfer, revocation, or suspension of certificates of authority for interexchange carriers.

The effects of the proposed rules in §§ 20:10:34.01 to 20:10:34.11, inclusive, are to prohibit the unauthorized switching of telecommunications carriers and to prohibit charging consumers for unauthorized services. The proposed rules state the procedures for switching telecommunications carriers and list billing requirements. The proposed rules also state the carrier's liability for unauthorized switching or charging for unauthorized services.

The reasons for the proposed rules are to set the standards and penalties concerning the switching of telecommunications carriers and to set standards and penalties concerning the billing of customers.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission by November 13, 1998, to be considered.

After the hearing, the Commission will consider all written and oral comments it receives on the proposed rules. The Commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-3201.

Copies of the proposed rules may be obtained without charge from the

South Dakota Public Utilities Commission
State Capitol
500 East Capitol
Pierre, SD 57501-5070

99028

BP # 53 19

ADMINISTRATIVE PROCEDURES ACT
FISCAL NOTE
Prepared by Submitting Agency

	CODE	NAME
DEPARTMENT	13	Commerce and Regulation
DIVISION	139	Public Utilities Commission
PROGRAM	1393	Fixed Utilities Division

PROPOSED RULE See attached sheet
Hearing Date 11-2-98

FISCAL NOTE SUMMARY:

List state agencies of local governmental subdivisions affected.

COST INCREASES (DECREASES)

State Agencies:	First-Year Impact	Continuous-Yearly Impact
TOTAL	0	0
Local Subdivisions:	First-Year Impact	Continuous-Yearly Impact
TOTAL	0	0
Revenue Increases (Decreases) State & Local:	First-Year Impact	Continuous-Yearly Impact
TOTAL	0	0

APPROVED  DATE 9-29-98
Signature Department Secretary or Board or Commission Chairman

ATTACH: Copy of proposed rules; separate sections for: 1) explanation of rules effect, i.e. what procedures, schedules, activities, etc. will change with its adoption; 2) statistics used, and their source; 3) assumptions that were made to arrive at fiscal impact; 4) computations that were made.

EXPLANATION OF RULES EFFECT

The Public Utilities Commission will hold a public hearing in Room 412, fourth floor, State Capitol, Pierre, South Dakota, on November 5, 1998, at 9:00 a.m. to consider the adoption and amendment of proposed rules numbered

Revised rules: §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07.01, 20:10:01:10, 20:10:01:11.01, 20:10:01:15, 20:10:01:15.02, 20:10:01:15.06, 20:10:01:17, 20:10:01:22.01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30.01, 20:10:01:30.02, 20:10:01:32, 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04, 20:10:28:45, 20:10:28:47, 20:10:28:105, 20:10:28:108, 20:10:28:117, 20:10:28:118, 20:10:29:14, 20:10:29:20, 20:10:29:34, 20:10:29:43. New rules: §§ 20:10:24:03.01, 20:10:24:04.01, 20:10:24:04.02, 20:10:24:04.03, 20:10:24:04.04, 20:10:24:04.05, §§ 20:10:32:01 to 20:10:32:51, inclusive; §§ 20:10:33:01 to 20:10:33:34, inclusive; and §§ 20:10:34:01 to 20:10:34:11, inclusive. Repeal §§ 20:10:25:01, 20:10:25:02, 20:10:25:03, 20:10:25:04, 20:10:28:115.

The effect of the revisions to §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07.01, 20:10:01:10, 20:10:01:11.01, 20:10:01:15, 20:10:01:15.02, 20:10:01:15.06, 20:10:01:17, 20:10:01:22.01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30.01, 20:10:01:30.02, 20:10:01:32 is to revise procedural rules regarding proceedings before the commission. The revisions clarify the role of commission staff in a docket, simplify the procedures for filing a complaint, revise a definition, increase the number of copies of documents needed to be filed with the commission, revise discovery procedures, and list the procedures and standards to be followed when requesting reconsideration.

Since these are only revisions to procedural rules, these revisions will not have any fiscal impact on state agencies or local governmental subdivisions.

The effects of the revisions to §§ 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04 and the proposed promulgation of §§ 20:10:24:03.01, 20:10:24:04.01, 20:10:24:04.02, 20:10:24:04.03, 20:10:24:04.04, 20:10:24:04.05 are as follows: to add requirements for applying for a certificate of authority for interexchange carriers; to specify decision criteria for granting a certificate of authority; to set standards for the sale, assignment, lease, or transfer of certificates of authority; to set the procedures for suspension or revocation of certificates of authority; and to set the requirements for a performance bond.

Since these revisions and proposed new rules concern certificates of authority for interexchange carriers, there will be no fiscal impact on state agencies or local governmental subdivisions.

Since these rules concern service quality standards for telecommunications companies, there are no fiscal impacts on state agencies or local governmental subdivisions.

The effects of the proposed rules in §§ 20.10.34.01 to 20.10.34.11, inclusive, are to prohibit the unauthorized switching of telecommunications carriers and to prohibit charging consumers for unauthorized services. The proposed rules state the procedures for switching telecommunications carriers and list billing requirements. The proposed rules also state the carrier's liability for unauthorized switching or charging for unauthorized services.

Since the reasons for the proposed rules are to set the standards and penalties concerning the switching of telecommunications carriers and to set standards and penalties concerning the billing of customers, there are no fiscal impacts on state agencies or local governmental subdivisions.

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

WAIVER OF WAITING PERIOD

Pursuant to SDCL subdivision 1-26-4(2), I, David Volk, Secretary of Department of Commerce and Regulation, waive the fifteen-day waiting period before proceeding with the promulgation of the Public Utilities Commission's proposed revised rules: §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07:01, 20:10:01:10, 20:10:01:11:01, 20:10:01:15, 20:10:01:15:02, 20:10:01:15:06, 20:10:01:17, 20:10:01:22:01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30:01, 20:10:01:30:02, 20:10:01:32, 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04, 20:10:28:45, 20:10:28:47, 20:10:28:105, 20:10:28:108, 20:10:28:117, 20:10:28:118, 20:10:29:14, 20:10:29:20, 20:10:29:34, 20:10:29:43. The Public Utilities Commission's proposed new rules: §§ 20:10:24:03:01, 20:10:24:04:01, 20:10:24:04:02, 20:10:24:04:03, 20:10:24:04:04, 20:10:24:04:05, §§ 20:10:32:01 to 20:10:32:51, inclusive; §§ 20:10:33:01 to 20:10:33:34, inclusive; and §§ 20:10:34:01 to 20:10:34:11, inclusive. The Public Utilities Commission's proposed repeal of §§ 20:10:25:01, 20:10:25:02, 20:10:25:03, 20:10:25:04, 20:10:28:115.

Dated this 28th day of September, 1998.


Secretary of Department of Commerce and Regulation