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South Dakota Public Utilities Commission WEEKLY FILINGS

For the Period of October 28, 1999 through November 3, 1999

If you meet a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this filing.

Phone: 605-773-3705 Fax: 605-773-3809

CONSUMER COMPLAINTS

In the Matter of the Complaint filed by Patrick L. Corbin, Rapid City, South Dakota, against U S WEST Communications, Inc. Regarding Delayed Installation of Telephone Service.

Mr. Curbin states that on September 8, 1999, he requested service installation for their new address. US WEST promised an installation date of September 10, 1999. They will do not have service. The Complainant requests that US WEST should establish one person to be responsible for an account, compensate the Complainants for their time and inconvenience, and make US WEST aware that "they are dealing with human beings who have feelings and needs."

Staff Analyst: Leni Healy Staff Attorney: Karen Cremer

Date Filed: 11/01/99 Intervention Deadline: NA

CT99-052 In the Matter of the Complaint filed by Scott and Tami Jung.
Aberdeen, South Dakota, against Qwest Communications, Inc.
Regarding Unauthorized Switching of Services.

On November 2, 1999, the Commission received a complaint from Scott and Tarni Jung alleging that their long distance service was switched without authorization. The Complainants request compensation deemed to be fair and legal.

Staff Analyst: Leni Healy

Staff Attorney: Camron Hoseck

Date Filed: 11/02/99
Intervention Deadline: NA

RULEMAKING

R409-002 In the Matter of the Establishment of Revised Rules.

On November 1, 1999, the Commission voted to open a rulemaking docket for purposes of amending certain rules regarding telecommunications, electricity and natural gas. Proposed changes to telecommunications rules, for example, include amending the Commission's probable cause determination procedures, certificate of

authority territory designations, advertising included with gas and electric bills, and modification of the scope and application of general telecommunications company rules.

Staff Amalyst All Staff

Staff Afterney: Carrien Hosack

Date Dicketed: 11/05/09

TELECOMMUNICATIONS

TC59-103 in the Matter of the Filing by U.S WEST Communications, Inc. for Approval of an interconnection Agreement between U.S WEST Communications Corp.

U.S. MEST Constructions. Inc. and JATO Communications, Corp. filed an interconnection agreement for Commission approval on October 28, 1999. The agreement is negotiated and sets both the terms, conditions and prices under which U.S. WEST agrees to provide services for resale, certain unbundled network elements, and any functions and additional features to JATO Communications Corp. for its offering and provisionary of telecommunications services. The agreement also sets form the terms, consistons and prices under which the parties agree to interconnect and pay reciprocal compensation for the exchange of local traffic.

Any party wishing to comment on the amendment to the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than his venture 19, 1979. Parties to the amendment may file written responses to the comments within twenty days of service of the comments.

Staff alterney Carrion Hoseck

CHARLES TO THE

Corresponds them: 11/19/09

The may receive this busing and carer PUC publications via our website or via internet e-mail.

The may supervise or unsubscribe to the PUC mailing lists at http://www.state.sd.us/puc/



Andrew Isar, Director - State Affairs

Telecommunications Resellers Association

Suite 4 3220 Uddenberg Lane NW Gig Harbor, WA 98335 Tel: 151-6790 Fax:253-851-6174 E-mail: aisar@harbor-group.c

Ga Prierity Mail

RECEIVED

5 November 1999

NOV 1 2 1993

Mr. William Bullard, Jr.
Executive Secretary
Public Utilities Commission of South Dakota
State Capitol
500 East Capitol Street
Pierre, South Dakota 57501-5070

SOUTH DAKOTA PUBLIC UTILITIES COMMUSSION

RE:

IN THE MATTER of the Establishment of Revised Rules, Docket No. RM99-002

Dear Mr. Bullard:

The Telecommunications Resellers Association ("TRA"), respectfully requests it be granted the right to file comments in and be placed on the service list for the above-referenced proceeding.

The person to whom information should be sent is:

Andrew O. Isar 3220 Uddenberg Lane, Suite 4 Gig Harbor, WA 98335 Telephone: 253.851.6700 Faesimile: 253.851.6474

Questions may be directed to the undersigned.

Sincerely.

TELECOMMUNICATIONS RESELLERS ASSOCIATION

Andrew O. Isar

with C.

MAY ADAM, GERDES & THOMPSON LLP

SC3 SOUTH PLERME STREET

PIERRE, SOUTH DAKOTA 57501-0160

November 22, 1999

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TELEPHONE SOS EL 4-8802 TILLOCHIEN SOS 221-8239

dag@negt.com

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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Camron Hoseck
Staff Attorney
Fublic Utilities Commission
State Capitol
500 East Capitol
Pierre, South Dakota 57501

XE: MCI WORLDCOM MISCELLANEOUS Our file: 0175.5

Dear Camron:

I note that the Commission has opened a rule making docket. RM99-002. Please put me on the mailing list for the draft proposed rules when they are noticed for hearing. Thank you very much.

Yours truly,

MAY, ADAM, GERDES & THOMPSON LLP

DAG:mw

cc: Michel Murray

ADMINISTRATIVE PROCEDURES ACT FISCAL NOTE Prepared by Submitting Agency

	CODE	NAME
DEPARTMENT	13	Department of Commerce & Regulation
DIVISION	139	Public Utilities Commission
PROGRAM	1393	Fixed Utilities Division

FISCAL NOTE SUMMARY:

List state agencies of local governmental subdivisions affected.

COST INCREASES (DECREASES)

State Agencies:	First-Year Impact	Continuous-Yearly Impact
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ATTACH: Copy of proposed rules; separate sections for: 1) explanation of rules effect to 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.

20:10:01:09. Service of complaint. If the commission believes that the complaint shows probable cause of an unlawful or unreasonable act, rate, practice, or emission, the The commission shall forward to the respondent a statement of the complaint and a notice requiring the respondent to satisfy the complaint or answer it in writing within 20 days from the date of service of the notice or within such further time as may be specified by the commission.

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11, 49-34A-4.

Law Implemented: SDCL 49-1-11, 49-13-1, 49-34A-4.

Cross-Reference: Manner of service, § 20:10:01:22.03.

20:10:01:11.01. Defenses to complaint. The defense that the complainant does not have a good or sufficient reason for making a complaint, that the complainant is without standing to make the complaint, or that a complaint falls to whow probable cause or otherwise fails to conform to this chapter, may be raised by motion to dismiss or answer, at the option of the respondent. All other defenses to the complaint shall be raised by answer. An original and three copies of the motion to dismiss or answer, accompanied by proof of service of a copy thereof on the complainant shall be filed with the commission. The answer shall specifically admit or specifically deny material allegations of the complaint and may also contain a statement of new matters constituting an affirmative defense. If the respondent has no information or belief on the subject sufficient to enable the respondent to answer an allegation of the complaint, the respondent may so state in the answer and place a denial upon that ground.

Source: 2 SDR 56, effective February 2, 1976; transferred from § 20:1 14:15 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11, 49-34A-4.

Law Implemented: SDCL 49-1-11, 49-13-1, 49-34A-4.

Cross-Reference: Service of complaint, § 20:10:01:09.

29:10:17:03. Information on bills. Bills provided to customers for electric and gas service shall include, but are not limited to, the following information:

- (1) The meter reading and the date the meter was read;
- (2) The number and kinds of units metered;
- (3) Identification of the applicable rate schedule:
- (4) The amount of the bill:
- (5) The date on which the bill will become delinquent;
- (6) The late fee, if applicable;
- (7) The date on which payment must be made in order to avoid the late fee, if applicable:
- (8) If an estimated bill, clear and conspicuous language identifying the bill as an estimated bill;
 - (9) Tax, fuel, or power adjustment clause separately itemized, if applicable:
- (10) A statement that customer information is available upon request and where it can be obtained; .
- (11) A statement that the curriemer is responsible for payment of all charges for service rendered.

The bill sent to the customer shall include only information related to the customer's account and advertising approved by the commission.

Source: 3 SDR 2, effective July 19, 1976; 12 SDR 86, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-34A-4.

Law Implemented: SDCL 49-34A-3, 49-34A-4, 49-34A-27.

20:10:24:02. Certificate of authority for interexchange service — Application requirements. Each telecommunications company required to apply for a certificate of authority with the commission pursuant to SDCL 49-31-3 for interexchange service shall provide the following information with the company's application unless the commission grants a waiver to omit a specific item of information:

- (1) The name, address, and telephone number of the applicant;
- (2) The name under which the applicant will provide these services if different than in subdivision (1) of this section:
 - (3) If the applicant is a corporation:
- (a) The state in which it is incorporated, the date of incorporation, and a copy of its certificate of incorporation or, if it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the Secretary of State.
- (b) The location of its principal office, if any, in this state and the name and address of its current registered agent; and
- (c) The name and address of each corporation, association, partnership, cooperative, or individual holding a 20 percent or greater ownership or management

interest in the applicant corporation and the amount and character of the owner pormanagement interest;

- (4) If the applicant is a partnership, the name, title, and business address of each partner, both general and limited;
- (5) A description of the telecommunications services the applicant intends to offer,
- (6) A detailed statement of the means by which the applicant will provide its services:
- (7) The geographic areas in which the services will be offered or a map describing the service area;
- (8) Current financial statements of the applicant including a balance sheet, income statement, and cash flow statement; a copy of the applicant's latest annual report; a copy of the applicant's report to stockholders; and a copy of applicant's tariff with the terms and conditions of service;
- (9) The names, addresses, telephone number, fax number, E-mail address, and toll free number of the applicant's representatives to whom all inquiries must be made regarding complaints and regulatory matters and a description of how the applicant handles customer billings and customer service matters;
- (10) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency.

explicant is not in good standing in a given state, if applicable;

- (11) A description of how the applicant intends to market its services, its target market, whether the applicant engages in any multilevel marketing, and copies of any company brochures used to assist in the sale of services;
- (12) Cost support for rates shown in the company's tariff for all noncompetitive or emerging competitive services;
 - (13) Federal tax identification number;
- (14) The number and nature of complaints filed against the applicant with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;
- (15) A written request for waiver of those rules the applicant believes to be inapplicable; and
- (16) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the interexchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (2), (7), and (9) and subsection (3)(b) of this section as they occur. If a company revises its tariff, the revised tariff sheets shall be provided to the commission.

Source: 16 SDR 106, effective December 27, 1989; 21 SDR 81, effective November 3, 1994; 22 SDR 107, effective February 18, 1996; 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3.

20:10:32:03. Certificate of authority for local exchange service —

Application requirements. A telecommunications company required to apply for a certificate of authority for local exchange services from the commission shall submit a written application and provide the following information unless the commission grants a waiver to omit a specific item of information:

- (1) The applicant's name, address, telephone number, facsimile number, E-mail address, and whether the applicant is a sole proprietorship, partnership, corporation.

 Ilmited liability corporation, or limited liability partnership;
- (2) If a sole proprietorship, the full name and business address of its owner; if a partnership, the full name and business address of each partner; if a corporation, a listing of the full name and business address of each corporate officer and director, if a limited liability corporation, the full name and business address of each member; or, if a limited liability partnership, the full name and business address of each partner.
- (3) The name under which applicant will provide local exchange services if different than in subdivision (1) of this section;
 - (4) If a corporation:
- (a) The location of its principal office, if any, in this state and the name and address of its current registered agent:

- (b) A list of shareholders owning twenty percent or more of the interest in the business:
- (c) The state in which the applicant is incorporated, the date of incorporation, and a copy of its certificate of incorporation; and
- (d) If it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the secretary of state;
- (5) A description of the applicant's experience providing any telecommunications services in South Dakota or in other jurisdictions, including the types of services provided, and the dates and nature of state or federal authorization to provide the services;
- (6) Names and addresses of applicant's affiliates, subsidiaries, and parent organizations, if any;
- (7) A list and specific description of the types of services the applicant seeks to offer and the means by which the services will be provided including:
- (a) Information indicating the classes of customers the applicant intends to serve:
- (b) Information indicating the extent to and time-frame by which applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale;
- (c) A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers; and
- (d) Information identifying the types of services it seeks authority to provide by reference to the general nature of the service;

- (8) A service area map-and or narrative description indicating with particanty the geographic area proposed to be served by the applicant;
- (9) Information regarding the technical competence of the applicant to provide its proposed local exchange services including:
- (a) A description of the education and experience of the applicant's management personnel who will oversee the proposed local exchange services, and
- (b) Information regarding policies, personnel, or arrangements made by the applicant which demonstrates the applicant's ability to respond to customer complaints and inquiries promptly and to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements;
- (10) Information explaining how the applicant will provide customers with access to emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services;
 - (11) Financial information including:
- (a) For the most recent 12 month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements; and
- (b) If a public corporation, the applicant's latest annual report and report to stockholders;
- (12) Information detailing the following matters associated with interconnection to provide proposed local exchange services:
- (a) The identity of all local exchange carriers with which the applicant plans to interconnect;

- (b) The likely timing of initiation of interconnection service and a statement as to when negotiations for interconnection started or when negotiations are likely to start; and
- (c) A copy of any request for interconnection made by the applicant to any local exchange carrier;
- (13) A tariff or price list indicating the prices, terms, and conditions of each contemplated local service offering;
- (14) Cost support for rates shown in the company's tariff or price list for rate or price regulated noncompetitive or emerging competitive services;
- (15) A description of how the applicant intends to market its local exchange services, its target market, whether the applicant engages in multilevel marketing, and copies of any company brochures that will be used to assist in sale of the services:
- (16) If the applicant is seeking authority to provide local exchange service in the service area of a rural telephone company, the date by which the applicant expects to meet the service obligations imposed pursuant to § 20:10:32:15 and applicant's plans for meeting the service obligations;
- (17) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable:

- (18) The names, addresses, telephone numbers, E-mail addresses, and facsimile numbers of the applicant's representatives to whom all inquiries must be made regarding customer complaints and other regulatory matters;
- (19) Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed local exchange services:
- (20) Information concerning the applicant's policies relating to selicitation of naw customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of local service customers by the applicant, its employees, or agents;
- (21) The number and nature of complaints filed against the applicant with any state or federal commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;
 - (22) A written request for waiver of those rules believed to be inapplicable.
 - (23) Federal tax identification number: and
- (24) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the local exchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (*), (3), (13), and (10) and subsection (4)(a) of this section as they occur. However, a telecommunications

transpany serving less than fifty thousand local exchange subscribers in this str' is not required to file cost support information and its tariffs shall be filed for informational purposes only.

Source: 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-69, 49-31-76.

EXPLANATION OF RULES EFFECT

The Public Utilities Commission will hold a public hearing in Room 468, four in floor, State Capitol, Pierre, South Dakota, on January 10, 2000, at 9:00 a.m., to consider the adoption and amendment of proposed rules numbered §§ 20:10:01:09, 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03.

The effects of the proposed rules changes are as follows:

In section 20:10:01:09, the language which is removed required that the Public Utilities Commission first find probable cause of an unlawful or unreasonable act, rate, practice, or omission on the part of a utility when a complaint is made against that utility and before the matter proceeds to a hearing. With the removal of that language, once a complaint is filed, the Public Utilities Commission would then forward it to the utility which has twenty days to answer it and then, if it remains unresolved, it would proceed to hearing.

In section 20:10:01:11.01, consistent with the proposed change in section 20:10:01:09, the defense of there being no probable cause of an unlawful or unreasonable act, rate, practice, or omission on the part of a utility is removed from defenses a utility may assert either in its answer or by a motion to dismiss. In other words, with the removal of the necessity that the Public Utilities Commission find that there is probable cause for a complaint to move forward, this modification removes it as a defense which may be asserted later in the complaint proceedings.

In section 20:10:17:03, all of subsection (11) is removed which is a statement on the bill from a gas or electric utility to a customer that the customer is responsible for payment of all charges for service rendered. Further, the last paragraph of this section is modified to remove approval by the Public Utilities Commission of advertising which may be included with a customer's bill.

In section 20:10:24:02(8) this modification specifies that the current financial statements of the applicant must be furnished to the Public Utilities Commission in applications for certificates of authority for interexchange service.

In Section 20:10:32:03(8), an applicant for a certificate of authority for local exchange service would be able to furnish either a map or a narrative description of the geographic area it intends to serve as opposed to present language which requires a map and a narrative description.

In section 20:10:32:03(11)(a), similar to the change in section 20:10:24:02(8), an applicant for a certificate of authority for local exchange service must furnish its financial statements to the Public Utilities Commission.

Since the reasons for the proposed rules are to streamline regulatory procedures and simplify billings by gas and electric utilities, there are no fiscal impacts on state agencies or local governmental subdivisions.

IN THE MATTER OF THE PROMULGATION OF ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) Public Utilities Commission's proposed revised rules: §§ 20:10:01:09, 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03, and
- (2) all materials incorporated by reference

to hereby admitted at Pierre, South Dakota, this ______ day of December, 1999.

Secretary of Department of Commerce and Regulation

20:10:01:09. Service of complaint. If the commission believes that the complaint shows probable cause of an unlawful or unreasonable and rate practice of an unlawful or unreasonable and rate practice of an unlawful or unreasonable and rate practice of the complaint and a notice requiring the respondent to satisfy the complaint or answer it in writing within 20 days from the date of service of the notice or within such further time as may be specified by the commission.

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11, 49-34A-4.

Law Implemented: SDCL 49-1-11, 49-13-1, 49-34A-4.

Cross-Reference: Manner of service, § 20:10:01:22.03.

20:10:01:11.01. Defenses to complaint. The defense that the complainant does not have a good or sufficient reason for making a complaint, that the complainant is without standing to make the complaint, or that a complaint fails to show probable cause or otherwise fails to conform to this chapter, may be raised by motion to dismiss or answer, at the option of the respondent. All other defenses to the complaint shall be raised by answer. An original and three copies of the motion to dismiss or answer, accompanied by proof of service of a copy thereof on the complainant shall be filed with the commission. The answer shall specifically admit or specifically deny material allegations of the complaint and may also contain a statement of new matters constituting an affirmative defense. If the respondent has no information or belief on the subject sufficient to enable the respondent to answer an allegation of the complaint, the aspondent may so state in the answer and place a denial upon that ground.

黎 \$DR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, Egunta: 2 SDR 56, effective February 2, 1976; transferred from § 20:

General Authority: SDCL 49-1-11, 49-34A-4

Law Implemented: SDCL 49-1-11, 49-13-1, 49-34A-4,

Cross-Reference: Service of complaint, § 20:10:01:09

gas service shall include, but are not limited to, the following information: 20:10:17:03. Information on bills. Bills provided to customers for electric and

- (1) The meter reading and the date the meter was read;
- (2) The number and kinds of units metered;
- (3) identification of the applicable rate schedule.
- (4) The amount of the bill
- (5) The date on which the bill will become delinquent;
- (6) The late fee, if applicable;
- addination. (7) The date on which payment must be made in order to avoid the late fee, if
- estruated bill (8) If an estimated bill, clear and conspicuous language identifying the bill as an
- (9) Tax, fuel, or power adjustment clause separately itemized, if applicable,
- if can be obtained; (10) A statement that customer information is available upon request and where
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The bill sent to the customer shall include only information related to the customer's account and advertising-approved by the commission.

Source: 3 SDR 2, effective July 19, 1975; 12 SDR 86, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-34A-4.

Law Implemented: SDCL 49-34A-3, 49-34A-4, 49-34A-27.

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- (1) The name, address, and telephone number of the applicant;
- (2) The name under which the applicant will provide these services if different than in subdivision (1) of this section;
 - (3) If the applicant is a corporation:
- (a) The state in which it is incorporated, the date of incorporation, and a copy of its certificate of incorporation or, if it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the Secretary of States
- (b) The location of its principal office, if any, in this state and the name and address of its current registered agent; and
- (c) The name and address of each corporation, association, partnership, cooperative, or individual holding a 20 percent or greater ownership or management

management interest;

- (4) If the applicant is a partnership, the name, title, and business address of each partner, both general and limited;
- (5) A description of the telecommunications services the applicant intends to
- (6) A detailed statement of the means by which the applicant will provide its services:
- (7) The geographic areas in which the services will be offered or a map distribing the service area;
- (8) Current financial statements of the applicant including a balance sheet, income statement, and cash flow statement; a copy of the applicant's latest annual report; a copy of the applicant's report to stockholders; and a copy of applicant's tariff with the terms and conditions of service;
- (9) The names, addresses, telephone number, fax number, E-mail address, and the number of the applicant's representatives to whom all inquiries must be made regarding complaints and regulatory matters and a description of how the applicant handles customer billings and customer service matters;
- (10) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency

in the status where it is registered or certified, and a detailed explanation of why the

- (11) A description of how the applicant intends to market its services, its target market, whether the applicant engages in any multilevel marketing, and copies of any company brochures used to assist in the sale of services;
- (12) Cost support for rates shown in the company's tariff for all noncompetitive or amerging competitive services;
 - (13) Federal tax identification number;
- (14) The number and nature of complaints filed against the applicant with any state or federal regulatory commission regarding the unauthorized switching of a costomer's telecommunications provider and the act of charging customers for services that have not been ordered;
- (15) A written request for waiver of those rules the applicant believes to be inapplicable; and
- (16) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the interexchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (2), (7), and (9) and subsection (3)(b) of this section as they occur. If a company revises its tariff, the revised tariff sheets shall be provided to the commission.

Source: 16 SDR 106, effective December 27, 1989; 21 SDR 81, effective November 3, 1994; 22 SDR 107, effective February 18, 1996; 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3.

20:10:32:03. Certificate of authority for local exchange service –

Application requirements. A telecommunications company required to apply for a certificate of authority for local exchange services from the commission shall submit a written application and provide the following information unless the commission grants a waiver to omit a specific item of information:

- (1) The applicant's name, address, telephone number, facsimile number, E-mail address, and whether the applicant is a sole proprietorship, partnership, corporation, limited liability corporation, or limited liability partnership;
- (2) If a sole proprietorship, the full name and business address of its owner; if a partnership, the full name and business address of each partner; if a corporation, a listing of the full name and business address of each corporate officer and director; if a limited liability corporation, the full name and business address of each member; or, if a limited liability partnership, the full name and business address of each partner;
- (3) The name under which applicant will provide local exchange services if different than in subdivision (1) of this section;
 - (4) If a corporation:
- (a) The location of its principal office, if any, in this state and the name and address of its current registered agent;

- (b) A list of shareholders owning twenty percent or more of the interest in the business:
- (c) The state in which the applicant is incorporated, the date of incorporation, and a copy of its certificate of incorporation; and
- (d) If it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the secretary of state;
- (5) A description of the applicant's experience providing any telecommunications services in South Dakota or in other jurisdictions, including the types of services provided, and the dates and nature of state or federal authorization to provide the services;
- (6) Names and addresses of applicant's affiliates, subsidiaries, and parent organizations, if any;
- (7) A list and specific description of the types of services the applicant seeks to offer and the means by which the services will be provided including:
- (a) Information indicating the classes of customers the applicant intends to serve:
- (b) Information indicating the extent to and time-frame by which applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale;
- (c) A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers; and
- (d) Information identifying the types of services it seeks authority to provide by reference to the general nature of the service:

- (8) A service area map-and or narrative description indicating with particularity the geographic area proposed to be served by the applicant;
- (9) Information regarding the technical competence of the applicant to provide its proposed local exchange services including:
- (a) A description of the education and experience of the applicant's management personnel who will oversee the proposed local exchange services; and
- (b) Information regarding policies, personnel, or arrangements made by the applicant which demonstrates the applicant's ability to respond to customer complaints and inquiries promptly and to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements;
- (10) Information explaining how the applicant will provide customers with access to emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services;
 - (11) Financial information including:
- (a) For the most recent 12 month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements; and
- (b) If a public corporation, the applicant's latest annual report and report to stockholders;
- (12) Information detailing the following matters associated with interconnection to provide proposed local exchange services:
- (a) The identity of all local exchange carriers with which the applicant plans to interconnect;

- (b) The likely timing of initiation of interconnection service and a statement as to when negotiations for interconnection started or when negotiations are likely start; and
- (c) A copy of any request for interconnection made by the applicant to any local exchange carrier;
- (13) A tariff or price list indicating the prices, terms, and conditions of each contemplated local service offering;
- (14) Cost support for rates shown in the company's tariff or price list for rate or price regulated noncompetitive or emerging competitive services;
- (15) A description of how the applicant intends to market its local exchange services, its target market, whether the applicant engages in multilevel marketing, and copies of any company brochures that will be used to assist in sale of the services;
- (16) If the applicant is seeking authority to provide local exchange service in the service area of a rural telephone company, the date by which the applicant expects to meet the service obligations imposed pursuant to § 20:10:32:15 and applicant's plans for meeting the service obligations;
- (17) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable;

- (18) The names, addresses, telephone numbers, E-mail addresses, and facsimile numbers of the applicant's representatives to whom all inquiries must be made regarding customer complaints and other regulatory matters;
- (19) Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed local exchange services;
- (20) Information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of local service customers by the applicant, its employees, or agents;
- (21) The number and nature of complaints filed against the applicant with any state or federal commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered:
 - (22) A written request for waiver of those rules believed to be inapplicable;
 - (23) Federal tax identification number; and
- (24) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the local exchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (3), (13), and (18) and subsection (4)(a) of this section as they occur. However, a telecommunications

required to file cost support information and its tariffs shall be filed for information.

Source: 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-31-76.

Law implemented: SDCL 49-31-3, 49-31-69, 49-31-76.

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: §§ 20:10:01:09, 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03.

Dated this

day of December, 1999.

Secretary of Department of Commerce and Regulation

20:10:01:09. Service of complaint. If the commission bilieves that the complaint shows probable cause of an unlawful or unveasonable act, rate, practice, or emission, the The commission shall forward to the respondent a statement of the complaint and a notice requiring the respondent to satisfy the complaint or answer it in writing within 20 days from the date of service of the notice or within such further time as may be specified by the commission.

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985, 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11, 49-34A-4.

Law Implemented: SDCL 49-1-11, 49-13-1, 49-34A-4.

Cross-Reference: Manner of service, § 20:10:01:22.03.

20:10:01:11.01. Defenses to complaint. The defense that the complainant does not have a good or sufficient reason for making a complaint, that the complainant is without standing to make the complaint, or that a complaint table to show provide cause or otherwise fails to conform to this chapter, may be raised by motion to dismiss or answer, at the option of the respondent. All other defenses to the complaint shall be raised by answer. An original and three copies of the motion to dismiss or answer, accompanied by proof of service of a copy thereof on the complainant shall be filed with the commission. The answer shall specifically admit or specifically deny material allegations of the complaint and may also contain a statement of new matters constituting an affirmative defense. If the respondent has no information or besef on the subject sufficient to enable the respondent to answer an allegation of the complaint. The respondent may so state in the answer and place a denial upon that ground.

Source: 2 SDR 56, effective February 2, 1976; transferred from § 20:10:1 15.

12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11, 49-34A-4.

Law Implemented: SDCL 49-1-11, 49-13-1, 49-34A-4.

Cross-Reference: Service of complaint, § 20:10:01:09.

20:10:17:03. Information on bills. Bills provided to customers for electric and gas service shall include, but are not limited to, the following information:

- (1) The meter reading and the date the meter was read;
- (2) The number and kinds of units metered;
- (3) Identification of the applicable rate schedule;
- (4) The amount of the bill:
- (5) The date on which the bill will become delinquent;
- (6) The late fee, if applicable;
- (7) The date on which payment must be made in order to avoid the late fee, if applicable;
- (8) If an estimated bill, clear and conspicuous language identifying the bill as an estimated bill;
 - (9) Tax, fuel, or power adjustment clause separately itemized, if applicable:
- (10) A statement that customer information is available upon request and where it can be obtained;
- (11) A statement that the customer is respectible for payment of all charges for service rendered.

The bill sent to the customer shall include only information related to the customer's account and advertising approved by the commission.

Source: 3 SDR 2, effective July 19, 1976; 12 SDR 86, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-34A-4.

Law Implemented: SDCL 49-34A-3, 49-34A-4, 49-34A-27.

20:10:24:02. Certificate of authority for interexchange service — Application requirements. Each telecommunications company required to apply for a certificate of authority with the commission pursuant to SDCL 49-31-3 for interexchange service shall provide the following information with the company's application unless the commission grants a waiver to omit a specific item of information:

- (1) The name, address, and telephone number of the applicant;
- (2) The name under which the applicant will provide these services if different than in subdivision (1) of this section;
 - (3) If the applicant is a corporation:
- (a) The state in which it is incorporated, the date of incorporation, and a copy of its certificate of incorporation or, if it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the Secretary of State.
- (b) The location of its principal office, if any, in this state and the name and address of its current registered agent; and
- (c) The name and address of each corporation, association, partnership, cooperative, or individual holding a 20 percent or greater ownership or management

interest in the applicant corporation and the amount and character of the ownership or management interest;

- (4) If the applicant is a partnership, the name, title, and business address of each partner, both general and limited;
- (5) A description of the telecommunications services the applicant intends to offer:
- (6) A detailed statement of the means by which the applicant will provide its services;
- (7) The geographic areas in which the services will be offered or a map describing the service area;
- (8) Current financial statements of the applicant including a balance sheet, income statement, and cash flow statement; a copy of the applicant's latest annual report; a copy of the applicant's report to stockholders; and a copy of applicant's tariff with the terms and conditions of service;
- (9) The names, addresses, telephone number, fax number, E-mail address, and toll free number of the applicant's representatives to whom all inquines must be made regarding complaints and regulatory matters and a description of how the applicant handles customer billings and customer service matters;
- (10) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency.

in the states where it is registered or certified, and a detailed explanation of the applicant is not in good standing in a given state, if applicable;

- (11) A description of how the applicant intends to market its services, its target market, whether the applicant engages in any multilevel marketing, and copies of eny company brochures used to assist in the sale of services;
- (12) Cost support for rates shown in the company's tariff for all noncompetitive or emerging competitive services;
 - (13) Federal tax identification number;
- (14) The number and nature of complaints filed against the applicant with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;
- (15) A written request for waiver of those rules the applicant believes to be inapplicable; and
- (16) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the interexchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (2), (7), and (9) and subsection (3)(b) of this section as they occur. If a company revises its tariff, the revised tariff sheets shall be provided to the commission.

Source: 16 SDR 106, effective December 27, 1989; 21 SDR 81, effective November 3, 1994; 22 SDR 107, effective February 18, 1996; 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3.

20:10:32:03. Certificate of authority for local exchange service —

Application requirements. A telecommunications company required to apply for a certificate of authority for local exchange services from the commission shall submit a written application and provide the following information unless the commission grants a waiver to omit a specific item of information:

- (1) The applicant's name, address, telephone number, facsimile number, familiaddress, and whether the applicant is a sole proprietorship, partnership, corporation, limited liability corporation, or limited liability partnership;
- (2) If a sole proprietorship, the full name and business address of its owner; if a partnership, the full name and business address of each partner; if a corporation, a listing of the full name and business address of each corporate officer and director; if a limited liability corporation, the full name and business address of each member, or, if a limited liability partnership, the full name and business address of each partner.
- (3) The name under which applicant will provide local exchange sentices if different than in subdivision (1) of this section;
 - (4) If a corporation:
- (a) The location of its principal office, if any, in this state and the name and address of its current registered agent;

- (b) A list of shareholders owning twenty percent or more of the interest in the business:
- (c) The state in which the applicant is incorporated, the date of incorporation, and a copy of its certificate of incorporation; and
- (d) If it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the secretary of state;
- (5) A description of the applicant's experience providing any telecommunications services in South Dakota or in other jurisdictions, including the types of services provided, and the dates and nature of state or federal authorization to provide the services:
- (6) Names and addresses of applicant's affiliates, subsidiaries, and parent organizations, if any;
- (7) A list and specific description of the types of services the applicant seeks to offer and the means by which the services will be provided including:
- (a) Information indicating the classes of customers the applicant intends to serve:
- (b) Information indicating the extent to and time-frame by which applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale;
- (c) A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers, and
- (d) Information identifying the types of services it seeks authority to provide by reference to the general nature of the service;

- (8) A service area map-and or narrative description indicating with particularity the geographic area proposed to be served by the applicant;
- (9) Information regarding the technical competence of the applicant to provide its proposed local exchange services including:
- (a) A description of the education and experience of the applicant's management personnel who will oversee the proposed local exchange services; and
- (b) Information regarding policies, personnel, or arrangements made by the applicant which demonstrates the applicant's ability to respond to customer complaints and inquiries promptly and to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements;
- (10) Information explaining how the applicant will provide customers with access to emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services;
 - (11) Financial information including:
- (a) For the most recent 12 month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements, and
- (b) If a public corporation, the applicant's latest annual report and report to stockholders;
- (12) Information detailing the following matters associated with interconnection to provide proposed local exchange services:
- (a) The identity of all local exchange carriers with which the applicant plans to interconnect;

- (b) The likely timing of initiation of interconnection service and a statemer as to when negotiations for interconnection started or when negotiations are likely to start; and
- (c) A copy of any request for interconnection made by the applicant to any local exchange carrier;
- (13) A tariff or price list indicating the prices, terms, and conditions of each contemplated local service offering;
- (14) Cost support for rates shown in the company's tariff or price list for rate of price regulated noncompetitive or emerging competitive services:
- (15) A description of how the applicant intends to market its local exchange services, its target market, whether the applicant engages in multilevel marketing, and copies of any company brochures that will be used to assist in sale of the services:
- (16) If the applicant is seeking authority to provide local exchange service in the service area of a rural telephone company, the date by which the applicant expects to meet the service obligations imposed pursuant to § 20 10/32 15 and applicant's plant for meeting the service obligations;
- (17) A list of the states in which the applicant is registered or cartified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable:

- (18) The names, addresses, telephone numbers, E-mail addresses, and facsimile numbers of the applicant's representatives to whom all inquiries must be made regarding customer complaints and other regulatory matters;
- (19) Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed local exchange services:
- (20) Information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of local service customers by the applicant, its employees, or agents;
- (21) The number and nature of complaints filed against the applicant with any state or federal commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;
 - (22) A written request for waiver of those rules believed to be inapplicable.
 - (23) Federal tax identification number; and
- (24) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the local exchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (3), (13), and (18) and subsection (4)(a) of this section as they occur. However, a telecommunications

company serving less than fifty thousand local exchange subscribers in this state is required to file cost support information and its tariffs shall be filed for informational purposes only.

Source: 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-69, 49-31-76.

Public Utilities Commission Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 468, fourth floor, State Capitol, Pierre, South Dakota, on January 10, 2000, at 9:00 a.m., to consider the adoption and amendment of proposed rules numbered

20:10:01:09, 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03

The effects of the proposed rules changes are as follows:

In section 20:10:01:09, the language which is removed required that the Public Utilities Commission first find probable cause of an unlawful or unreasonable act, rate practice, or omission on the part of a utility when a complaint is made against that utility and before the matter proceeds to a hearing. With the removal of that language, once a complaint is filed, the Public Utilities Commission would then forward it to the utility which has twenty days to answer it and then, if it remains unresolved, it would proceed to hearing.

In section 20:10:01:11.01, consistent with the proposed change in section 20:10:01:09, the defense of there being no probable cause of an unlawful or unreasonable act, rate, practice, or omission on the part of a utility is removed from defenses a utility may assert either in its answer or by a motion to dismiss. In other words, with the removal of the necessity that the Public Utilities Commission find that there is probable cause for a complaint to move forward, this modification removes it as a defense which may be asserted later in the complaint proceedings.

In section 20:10:17:03, all of subsection (11) is removed which is a statement on the bill from a gas or electric utility to a customer that the customer is responsible for payment of all charges for service rendered. Further, the last paragraph of this section is modified to remove approval by the Public Utilities Commission of advectising which may be included with a customer's bill.

In section 20:10:24:02(8) this modification specifies that the current financial statements of the applicant must be furnished to the Public Utilities Commission in applications for certificates of authority for interexchange service.

In section 20:10:32:03(8), an applicant for a certificate of authority for iccal exchange service would be able to furnish either a map or a narrative description of the geographic area it intends to serve as opposed to present language which requires a map and a narrative description.

In section 20:10:32:03(11)(a), similar to the change in section 20:10:24 32(8), an applicant for a certificate of authority for local exchange service must furnish its financial statements to the Public Utilities Commission.

The reasons for the proposed rules are to streamline regulatory process. A simplify billings by gas and electric utilities.

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 January 21, 2000, to be considered.

After the hearing, the Commission will consider all written and oral comments is 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) 7713-3201.

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

The proposed rules may also be found on the Public Utilities Commission's home page at the following address: http://www.state.sd.us/puc.

IN THE MATTER OF THE FROMULGATION OF ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) Public Utilities Commission's proposed revised rules: §§ 20:10:01:09, 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03,
- (2) the notice of hearing, and
- (3) the fiscal note

is hereby admitted at Pierre, South Dakota, this _____ day of December, 1999.

Bureau of Finance and Management

20:10:01:09. Service of complaint. If the commission believes that the complaint shows probable cause of an unlawful or unreasonable act, rate, practice, or omission, the The commission shall forward to the respondent a statement of the complaint and a notice requiring the respondent to satisfy the complaint or answer it in writing within 20 days from the date of service of the notice or within such further time as may be specified by the commission.

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985, 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11, 49-34A-4.

Law Implemented: SDCL 49-1-11, 49-13-1, 49-34A-4.

Cross-Reference: Manner of service, § 20:10:01:22.03.

20:10:01:11.01. Defenses to complaint. The defense that the complainant does not have a good or sufficient reason for making a complaint, that the complainant is without standing to make the complaint, or that a complaint falls to about probable cause or otherwise fails to conform to this chapter, may be raised by motion to dismiss or answer, at the option of the respondent. All other defenses to the complaint shall be raised by answer. An original and three copies of the motion to dismiss or answer, accompanied by proof of service of a copy thereof on the complainant shall be filted with the commission. The answer shall specifically admit or specifically deny material allegations of the complaint and may also contain a statement of new matters constituting an affirmative defense. If the respondent has no information or belief on the subject sufficient to enable the respondent to answer an allegation of the complaint, the respondent may so state in the answer and place a denial upon that ground.

Source: 2 SDR 56, effective February 2, 1976; transferred from § 20, 1031 , 15, 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11, 49-34A-4.

Law Implemented: SDCL 49-1-11, 49-13-1, 49-34A-4.

Cross-Reference: Service of complaint, § 20:10:01:09.

20:10:17:03. Information on bills. Bills provided to customers for electric and gas service shall include, but are not limited to, the following information:

- The meter reading and the date the meter was read;
- (2) The number and kinds of units metered;
- (3) Identification of the applicable rate schedule;
- (4) The amount of the bill;
- (5) The date on which the bill will become delinquent;
- (6) The late fee, if applicable;
- (7) The date on which payment must be made in order to avoid the late fee; if applicable;
- (8) If an estimated bill, clear and conspicuous language identifying the bill as an estimated bill;
 - (9) Tax, fuel, or power adjustment clause separately itemized, if applicable
- (10) A statement that customer information is available upon request and where it can be obtained;
- (11)-A statement that the customer in responsible for payment of all charges for service rendered.

The bill sent to the customer shall include only information related to the customer's account and advertising approved by the commission.

Source: 3 SDR 2, effective July 19, 1976; 12 SDR 86, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-34A-4.

Law implemented: SDCL 49-34A-3, 49-34A-4, 49-34A-27

20:10:24:02. Certificate of authority for interexchange service — Application requirements. Each telecommunications company required to apply for a certificate of authority with the commission pursuant to SDCL 49-31-3 for interexchange service shall provide the following information with the company's application unless the commission grants a waiver to omit a specific item of information:

- (1) The name, address, and telephone number of the applicant.
- (2) The name under which the applicant will provide these services if different than in subdivision (1) of this section;
 - (3) If the applicant is a corporation:

- (a) The state in which it is incorporated, the date of incorporation, and a copy of its certificate of incorporation or, if it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the Secretary of States
- (b) The location of its principal office, if any, in this state and the name and address of its current registered agent; and
- (c) The name and address of each corporation, association, partnership cooperative, or individual holding a 20 percent or greater ownership or management

interest in the applicant corporation and the amount and character of the currently or management interest;

- (4) If the applicant is a partnership, the name, title, and business address of each partner, both general and limited;
- (5) A description of the telecommunications services the applicant intends to offer;
- (6) A detailed statement of the means by which the applicant will provide its services;
- (7) The geographic areas in which the services will be offered or a map describing the service area;
- (8) Current financial statements of the applicant including a balance sheet, income statement, and cash flow statement; a copy of the applicant's latest annual report; a copy of the applicant's report to stockholders; and a copy of applicant's tariff with the terms and conditions of service;
- (9) The names, addresses, telephone number, fax number, E-mail address, and toll free number of the applicant's representatives to whom all inquiries must be made regarding complaints and regulatory matters and a description of how the applicant handles customer billings and customer service matters;
- (10) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate requisitory agency.

in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable;

- (11) A description of how the applicant intends to market its services, its target market, whether the applicant engages in any multilevel marketing, and copies of any company brochures used to assist in the sale of services;
- (12) Cost support for rates shown in the company's tariff for all noncompetitive of emerging competitive services;
 - (13) Federal tax identification number;
- (14) The number and nature of complaints filed against the applicant with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;
- (15) A written request for waiver of those rules the applicant believes to be inapplicable; and
- (16) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the interexchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (2), (7), and (9) and subsection (3)(b) of this section as they occur. If a company revises its tariff, the revised tariff sheets shall be provided to the commission.

Source: 16 SDR 105, effective December 27, 1989; 21 SDR 81, effective November 3, 1994; 22 SDR 107, effective February 18, 1996; 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3.

20:10:32:03. Certificate of authority for local exchange service —

Application requirements. A telecommunications company required to apply for a certificate of authority for local exchange services from the commission shall submit a written application and provide the following information unless the commission grants a waiver to omit a specific item of information:

- (1) The applicant's name, address, telephone number, facsimile number, E-mail address, and whether the applicant is a sole proprietorship, partnership, corporation, limited liability partnership;
- (2) If a sole proprietorship, the full name and business address of its owner, if a partnership, the full name and business address of each partner, if a corporation, a listing of the full name and business address of each corporate officer and director; if a limited liability corporation, the full name and business address of each member, or, if a fimited liability partnership, the full name and business address of each partner.
- (3) The name under which applicant will provide local exchange services if different than in subdivision (1) of this section;
 - (4) If a corporation:
- (a) The location of its principal office, if any, in this state and the name and address of its current registered agent;

- (b) A list of shareholders owning twenty percent or more of the interest .. The business;
- (c) The state in which the applicant is incorporated, the date of incorporation, and a copy of its certificate of incorporation; and
- (d) If it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the secretary of state;
- (5) A description of the applicant's experience providing any telecommunications services in South Dakota or in other jurisdictions, including the types of services provided, and the dates and nature of state or federal authorization to provide the services;
- (6) Names and addresses of applicant's affiliates, subsidiaries, and parent organizations, if any;
- (7) A list and specific description of the types of services the applicant seeks to offer and the means by which the services will be provided including:
- (a) Information indicating the classes of customers the applicant intends to serve;
- (b) Information indicating the extent to and time-frame by which applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale;
- (c) A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers, and
- (d) Information identifying the types of services it seeks authority to provide by reference to the general nature of the service:

- (8) A service area map-and or narrative description indicating with particularity the geographic area proposed to be served by the applicant;
- (9) Information regarding the technical competence of the applicant to provide its proposed local exchange services including:
- (a) A description of the education and experience of the applicant's management personnel who will oversee the proposed local exchange services, and
- (b) Information regarding policies, personnel, or arrangements made by the applicant which demonstrates the applicant's ability to respond to customer complaints and inquiries promptly and to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements;
- (10) Information explaining how the applicant will provide customers with access to emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services;
 - (11) Financial information including:
- (a) For the most recent 12 month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements and
- (b) If a public corporation, the applicant's latest annual report and report to stockholders:
- (12) Information detailing the following matters associated with interconnection to provide proposed local exchange services:
- (a) The identity of all local exchange carriers with which the applicant plans to interconnect;

- (b) The likely timing of initiation of interconnection service and a statem as to when negotiations for interconnection started or when negotiations are likely to start; and
- (c) A copy of any request for interconnection made by the applicant to any local exchange carrier;
- (13) A tariff or price list indicating the prices, terms, and conditions of each contemplated local service offering;
- (14) Cost support for rates shown in the company's tariff or price list for rate or price regulated noncompetitive or emerging competitive services;
- (15) A description of how the applicant intends to market its local exchange services, its target market, whether the applicant engages in multilevel marketing, and copies of any company brochures that will be used to assist in sale of the services.
- (16) If the applicant is seeking authority to provide local exchange service in this service area of a rural telephone company, the date by which the applicant expects to meet the service obligations imposed pursuant to § 20:10:32:15 and applicant's plans for meeting the service obligations;
- (17) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable:

- (18) The names, addresses, telephone numbers, E-mail addresses, and facsimile numbers of the applicant's representatives to whom all inquiries must be made augusting customer complaints and other regulatory matters;
- (19) Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed local exchange services;
- (20) Information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of local service customers by the applicant, its employees, or agents;
- (21) The number and nature of complaints filed against the applicant with any state or federal commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;
 - (22) A written request for waiver of those rules believed to be inapplicable;
 - (23) Federal tax identification number; and
- (24) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the local exchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (3), (13), and (18) and subsection (4)(a) of this section as they occur. However, a telecommunications

company serving less than fifty thousand local exchange subscribers in this state is not required to file cost support information and its tariffs shall be filed for information purposes only.

Source: 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-69, 49-31-76.

IN THE MATTER OF THE PROMULGATION OF ADMINISTRATIVE RULES

ADMISSION OF SERVIC

Personal service of

- (1) Public Utilities Commission's proposed revised rules §§ 20.10.01.09 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03, and
- (2) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this 6 70 day of December, 1999

Secretary of Department of Commerce and Regulation

Pursuant to SDCL subdivision 1-26-4(2), I, David Velk, 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: 5§ 20 10:01.00 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03.

Dated this

day of December, 1999.

Secretary of Department of Commercia una Regulation

Public Utilities Commission Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 468, fourth floor, State Capitol, Pierre, South Dakota, on January 10, 2000, at 9:00 a.m., to consider the adoption and amendment of proposed rules numbered

20:10:01:09, 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03

The effects of the proposed rules changes are as follows:

In section 20:10:01:09, the language which is removed required that the Public Utilities Commission first find probable cause of an unlawful or unreasonable act, rate practice, or omission on the part of a utility when a complaint is made against that utility and before the matter proceeds to a hearing. With the removal of that language once a complaint is filed, the Public Utilities Commission would then forward it to the utility which has twenty days to answer it and then, if it remains unresolved, it would proceed to hearing.

In section 20:10:01:11.01, consistent with the proposed change in section 20:10:01:09, the defense of there being no probable cause of an unlawful or unreasonable act, rate, practice, or omission on the part of a utility is removed from defenses a utility may assert either in its answer or by a motion to dismiss. In other words, with the removal of the necessity that the Public Utilities Commission find that there is probable cause for a complaint to move forward, this modification removes it as a defense which may be asserted later in the complaint proceedings.

In section 20:10:17:03, all of subsection (11) is removed which is a statement of the bill from a gas or electric utility to a customer that the customer is responsible for payment of all charges for service rendered. Further, the last paragraph of this section is modified to remove approval by the Public Utilities Commission of advertising which may be included with a customer's bill

In section 20:10:24:02(8) this modification specifies that the current financial statements of the applicant must be furnished to the Public Utilities Commission in applications for certificates of authority for interexchange service.

In section 20:10:32:03(8), an applicant for a certificate of authority for local exchange service would be able to furnish either a map or a narrative description of the geographic area it intends to serve as opposed to present language which requires a map and a narrative description.

In section 20:10:32:03(11)(a), similar to the change in section 20:10:24:02(9), an applicant for a certificate of authority for local exchange service must furnish its financial statements to the Public Utilities Commission.

The reasons for the proposed rules are to streamline regulatory procedures and simplify billings by gas and electric utilities.

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, Pierra, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission by January 21, 2000, 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 40 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements in (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

The proposed rules may also be found on the Public Utilities Commission's home page at the following address: http://www.state.sd.us/puc.

ADMINISTRATIVE PROCEDURES ACT FISCAL NOTE Prepared by Submitting Agency

	CODE	NAME
DEPARTMENT	13	Department of Commerce & Regulation
DIVISION	139	Public Utilities Commission
PROGRAM	1393	Fixed Utilities Division

FISCAL NOTE SUMMARY:

List state agencies of local governmental subdivisions affected.

COST INCREASES (DECREASES)

Ship Agencies:	First:Year Impact	Continuous-Yearly Impact
TOTAL		
Tecal subdivisions:		
		POLICIA POLICI
TOTAL	0	
Revenue increases (Decreuses) State & Local:		
TOTAL		

APPROVED JAMON JAME Signature Department Secretary of Board or Commission Chairman

ATTACH: Copy of proposed rules; separate sections for. 1) explanation of rules effect, in what procedures, schedules, activities, etc. will change with its adoption 2) statistics used, and their scarse, 32 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 458, fourth fit of State Capitol, Pierre, South Dakota, on January 10, 2000, at 9:00 a.m., to consider adoption and amendment of proposed rules numbered §§ 20:10:01:09, 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03.

The effects of the proposed rules changes are as follows:

In section 20:10:01:09, the language which is removed required that the Public Utilities Commission first find probable cause of an unlawful or unreasonable act, rate, practice, or omission on the part of a utility when a complaint is made against that utility and before the matter proceeds to a hearing. With the removal of that language, once a complaint is filed, the Public Utilities Commission would then forward it to the utility which has twenty days to answer it and then, if it remains unresolved, it would proceed to hearing.

In section 20:10:01:11.01, consistent with the proposed change in section 20:10:01:09, the defense of there being no probable cause of an unlawful or unreasonable act, rate, practice, or omission on the part of a utility is removed from defenses a utility may assert either in its answer or by a motion to dismiss. In other words, with the removal of the necessity that the Public Utilities Commission find that there is probable cause for a complaint to move forward, this modification removes it as a defense which may be asserted later in the complaint proceedings.

In section 20:10:17:03, all of subsection (11) is removed which is a statement on the bill from a gas or electric utility to a customer that the customer is responsible for payment of all charges for service rendered. Further, the last paragraph of this section is modified to remove approval by the Public Utilities Commission of advertising which may be included with a customer's bill.

In section 20:10:24:02(8) this modification specifies that the current firencial statements of the applicant must be furnished to the Public Utilities Commission is applications for certificates of authority for interexchange service.

In Section 20:10:32:03(8), an applicant for a certificate of authority for local exchange service would be able to furnish either a map or a nurrative description of the geographic area it intends to serve as opposed to prosent language which requires a map and a narrative description.

In section 20:10:32:03(11)(a), similar to the change in section 20:10:24:02(b), care applicant for a certificate of authority for local exchange service must furnish its financial statements to the Public Utilities Commission.

Since the reasons for the proposed rules are to streamline regulatory procedures and simplify billings by gas and electric utilities, there are no facal impacts on state agencies or local governmental subdivisions.

IN THE MATTER OF THE PROMULGATION OF ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) Public Utilities Commission's proposed revised rules: §§ 20:10:01:09, 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03,
- (2) the notice of hearing,
- (3) the fiscal note, and
- (4) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this _____ day of December, 1999.

Legislative Research Council

20:10:01:09. Service of complaint. If the commission believes that the complaint shows probable cause of an unlawful or unreasonable act, rate, practice, or emission, the The commission shall forward to the respondent a statement of the complaint and a notice requiring the respondent to satisfy the complaint or answer it in writing within 20 days from the date of service of the notice or within such further time as may be specified by the commission.

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11, 49-34A-4.

Law Implemented: SDCL 49-1-11, 49-13-1, 49-34A-4.

Cross-Reference: Manner of service, § 20:10:01:22.03.

20:10:01:11.01. Defenses to complaint. The defense that the complainant does not have a good or sufficient reason for making a complaint, that the complainant is without standing to make the complaint, or that a complaint fails to show probable cause or otherwise fails to conform to this chapter, may be raised by motion to dismiss or answer, at the option of the respondent. All other defenses to the complaint shall be raised by answer. An original and three copies of the motion to dismiss or answer, accompanied by proof of service of a copy thereof on the complainant shall be filed with the commission. The answer shall specifically admit or specifically deny material allegations of the complaint and may also contain a statement of new matters constituting an affirmative defense. If the respondent has no information or belief on the subject sufficient to enable the respondent to answer an allegation of the complaint, the respondent may so state in the answer and place a denial upon that ground.

Source: 2 SDR 56, effective February 2, 1976; transferred from § 20:10:14:15.

12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11, 49-34A-4.

Law Implemented: SDCL 49-1-11, 49-13-1, 49-34A-4.

Cross-Reference: Service of complaint, § 20:10:01:09.

20:10:17:03. Information on bills. Bills provided to customers for electric and gas service shall include, but are not limited to, the following information:

- (1) The meter reading and the date the meter was read:
- (2) The number and kinds of units metered;
- (3) Identification of the applicable rate schedule;
- (4) The amount of the bill;
- (5) The date on which the bill will become delinquent:
- (6) The late fee, if applicable;
- (7) The date on which payment must be made in order to avoid the late fee, if applicable;
- (8) If an estimated bill, clear and conspicuous language identifying the bill as an estimated bill:
 - (9) Tax, fuel, or power adjustment clause separately fremized. If applicable
- (10) A statement that customer information is available upon request and where it can be obtained; .
- (11) A statement that the sustement is responsible for payment of all charges for sanice rendered.

The bill sent to the customer shall include only information related to the customer's account and advertising-approved by the commission.

Source: 3 SDR 2, effective July 19, 1976; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-34A-4.

Law Implemented: SDCL 49-34A-3, 49-34A-4, 49-34A-27

20:10:24:02. Certificate of authority for interexchange service — Application requirements. Each telecommunications company required to apply for a certificate of authority with the commission pursuant to SDCL 49-31-3 for interexchange service shall provide the following information with the company's application unless the commission grants a waiver to omit a specific item of information:

- (1) The name, address, and telephone number of the applicant.
- (2) The name under which the applicant will provide these services if different than in subdivision (1) of this section;
 - (3) If the applicant is a corporation:
- (a) The state in which it is incorporated, the date of incorporation, and a copy of its certificate of incorporation or, if it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the Secretary of State.
- (b) The location of its principal office, if any, in this state and the name and address of its current registered agent; and
- (c) The name and address of each corporation, association, partnership, cooperative, or individual holding a 20 percent or greater ownership or management

interest in the applicant corporation and the amount and character of the ownership or management interest;

- (4) If the applicant is a partnership, the name, title, and business address of each partner, both general and limited;
- (5) A description of the telecommunications services the applicant intends to offer:
- (6) A detailed statement of the means by which the applicant will provide its services;
- (7) The geographic areas in which the services will be offered or a map describing the service area;
- (8) Current financial statements of the applicant including a balance sheet, income statement, and cash flow statement; a copy of the applicant's land report; a copy of the applicant's report to stockholders; and a copy of applicant's tank with the terms and conditions of service;
- (9) The names, addresses, telephone number, fax number, E-mail address, and tell free number of the applicant's representatives to whom all inquiries must be made regarding complaints and regulatory matters and a description of how the applicant handles customer billings and customer service matters;
- (10) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory asserce

in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable;

- (11) A description of how the applicant intends to market its services, its target market, whether the applicant engages in any multilevel marketing, and copies of any company brochures used to assist in the sale of services:
- (12) Cost support for rates shown in the company's tariff for all nencompetitive or emerging competitive services;
 - (13) Federal tax identification number;
- (14) The number and nature of complaints filed against the applicant with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;
- (15) A written request for waiver of those rules the applicant believes to be inapplicable; and
- (16) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the interexchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (2), (7), and (9) and subsection (3)(b) of this section as they occur. If a company revises its tariff, the revise tariff sheets shall be provided to the commission.

Source: 16 SDR 106, effective December 27, 1989; 21 SDR 81, effective

November 3, 1994; 22 SDR 107, effective February 18, 1996; 25 SDR 80, effective

December 27, 1998.

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3.

20:10:32:03. Certificate of authority for local exchange service
Application requirements. A telecommunications company required to apply not a certificate of authority for local exchange services from the commission shall substitute written application and provide the following information unless the commission grants a waiver to omit a specific item of information:

- (1) The applicant's name, address, telephone number, facalities number, E-mail address, and whether the applicant is a sole proprietoratio, pertnership, corporation limited liability corporation, or limited liability partnership.
- (2) If a sole proprietorship, the full name and business address of as owner if a partnership, the full name and business address of each partner, if a corporation, a listing of the full name and business address of each corporate officer and deectar, if a limited liability corporation, the full name and business address of each member, or, if a limited liability partnership, the full name and business address of each partner.
- (3) The name under which applicant will provide local exchange services if different than in subdivision (1) of this section:
 - (4) If a corporation:
- (a) The location of its principal office, if any, in this state and the name and address of its current registered agent;

- (b) A list of shareholders owning twenty percent or more of the interest in the business:
- (c) The state in which the applicant is incorporated, the date of incorporation, and a copy of its certificate of incorporation; and
- (d) If it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the secretary of state.
- (5) A description of the applicant's experience providing any telecommunications services in South Dakota or in other jurisdictions, including the types of services provided, and the dates and nature of state or federal authorization to provide the services;
- (6) Names and addresses of applicant's affiliates, subsidiaries, and parent organizations, if any;
- (7) A list and specific description of the types of services the applicant seeks to offer and the means by which the services will be provided including:
- (a) Information indicating the classes of customers the applicant enemis to serve:
- (b) Information indicating the extent to and time-frame by which applicant will provide service through the use of its own facilities, the purchase of unburched restaurance elements, or resale;
- (c) A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying currons and
- (d) Information identifying the types of services it seeks sufficing to provide by reference to the general nature of the service:

- (8) A service area map-and or narrative description indicating with particular type description indicating with the approximation of the particular type description indicating with the approximation of the approximation of the particular type description of the approximation of the par
- (9) Information regarding the technical competence of the applicant to provide its proposed local exchange services including:
- (a) A description of the education and experience of the applicant's management personnel who will oversee the proposed local exchange services, and
- (b) Information regarding policies, personnel, or arrangements made by the applicant which demonstrates the applicant's ability to respond to customer complaints and inquiries promptly and to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements.
- (10) Information explaining how the applicant will provide customers with access to emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services.
 - (11) Financial information including:
- (a) For the most recent 12 month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements.
- (b) If a public corporation, the applicant's latest across report to stockholders;
- (12) Information detailing the following matters associated with interconnections to provide proposed local exchange services:
- (a) The identity of all local exchange carriers with which the applicant plant to interconnect;

- (b) The likely timing of initiation of interconnection service and a statem of as to when negotiations for interconnection started or when negotiations are likely to start; and
- (c) A copy of any request for interconnection made by the applicant to any local exchange carrier;
- (13) A tariff or price list indicating the prices, terms, and conditions of each contemplated local service offering;
- (14) Cost support for rates shown in the company's tariff or price list for rate or price regulated noncompetitive or emerging competitive services:
- (15) A description of how the applicant intends to market its local exchange services, its target market, whether the applicant engages in multilevel marketing, and copies of any company brochures that will be used to assist in sale of the services.
- (16) If the applicant is seeking authority to provide local exchange service in the service area of a rural telephone company, the date by which the applicant expects to meet the service obligations imposed pursuant to § 20:10:32:15 and applicant's plans for meeting the service obligations;
- (17) A list of the states in which the applicant is registered or cartified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory expense in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable

- (18) The names, addresses, telephone numbers, E-mail addresses, and facsimile numbers of the applicant's representatives to whom all inquiries must be made regarding customer complaints and other regulatory matters;
- (19) Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed local exchange services;
- (20) Information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of local service customers by the applicant, its employees, or agents;
- (21) The number and nature of complaints filed against the applicant with any state or federal commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;
 - (22) A written request for waiver of those rules believed to be inapplicable.
 - (23) Federal tax identification number, and
- (24) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the local exchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (3), (13), and (18) and subsection (4)(a) of this section as they occur. However, a telecommunications

required to file cost support information and its tariffs shall be filed for informational purposes only.

Source: 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-69, 49-31-76.

ADMISSION OF SERVICE

Personal service of

- (1) Public Utilities Commission's proposed revised rules: §§ 20.10.01.03, 20:10:01:11.01, 20:19:17:03, 20:10:24:02 and 20:10:32:03; and
- (2) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this

day of Charamber, 1909.

Secretary of Department of Commercia and Requisitors

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: §§ 20:10:01:09, 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03.

Dated this ______ day of December, 1999.

Secretary of Department of Commerce and Regulation

ADMISSION OF SERVICE

Personal service of

- (1) Public Utilities Commission's proposed revised rules: §§ 20.10/01/05, 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03.
- (2) the notice of hearing, and
- (3) the fiscal note

is hereby admitted at Pierre, South Dakota, this Q^{2} day of December, 1990

Bufeau of Finance and Management

Public Utilities Commission Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 468, fourth floor, State Capitol, Pierre, South Dakota, on January 10, 2000, at 9:00 a.m., to consider the adoption and amendment of proposed rules numbered

20:10:01:09, 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03

The effects of the proposed rules changes are as follows:

In section 20:10:01:09, the language which is removed required that the Public Utilities Commission first find probable cause of an unlawful or unreasonable act, rate, practice, or omission on the part of a utility when a complaint is made against that utility and before the matter proceeds to a hearing. With the removal of that language once a complaint is filed, the Public Utilities Commission would then forward it to the utility which has twenty days to answer it and then, if it remains unresolved, it would proceed to hearing.

In section 20:10:01:11.01, consistent with the proposed change in section 20:10:01:09, the defense of there being no probable cause of an unlawful or unconstable act, rate, practice, or omission on the part of a utility is removed from defenses a utility may assert either in its answer or by a motion to dismiss. In other words, with the removal of the necessity that the Public Utilities Commission find that there is probable cause for a complaint to move forward, this modification removes it as a defense which may be asserted later in the complaint proceedings.

In section 20:10:17:03, all of subsection (11) is removed which is a statement on the bill from a gas or electric utility to a customer that the customer is responsible to payment of all charges for service rendered. Further, the last paragraph of this section is modified to remove approval by the Public Utilities Commission of advertising which may be included with a customer's bill.

In section 20:10:24:02(8) this modification specifies that the current financial statements of the applicant must be furnished to the Public Utilities Commission in applications for certificates of authority for interexchange service.

In section 20:10:32:03(8), an applicant for a certificate of authority for local exchange service would be able to furnish either a map or a narrative description of the geographic area it intends to serve as opposed to present language which requires a map and a narrative description.

In section 20:10:32:03(11)(a), similar to the change in section 20:10:24:02(b), an applicant for a certificate of authority for local exchange service must furnish its financial statements to the Public Utilities Commission.

可以的智慧的思想的思想,但是自由的思想的思想。

The reasons for the proposed rules are to streamline regulatory procedures and simplify billings by gas and electric utilities

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 January 21, 2000, 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 neigh 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 (505) 77 3-3201.

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

The proposed rules may also be found on the Public Utilities Commission's home page at the following address: http://www.state.sd.us/puc.

ADMINISTRATIVE PROCEDURES ACT FISCAL NOTE Prepared by Submitting Agency

	DOMESTIC TO	Was 2 at Part Marke 1 at 1 at 1 at 1
DEPARTMENT	13	Department of Commerce & Regulation
DAVISION	139	Public Utilities Commission
PROGRAM	1393	Fixed Utilities Division

FISCAL NOTE SUMMARY:

List state agencies of local governmental subdivisions affected.

CONT INCREASES (DECREASES)

		P. Dordicusus-Veers Impact
107AL	0	
TOTAL	0	
		un un a desanta estanta de la capación de
TOTAL	<u> </u>	Į.

APPROVED CAMPAINT DEPARTMENT Secretary of Board or Commission Chairman

ATTACH: Copy of proposed rules; separate sections for: 1) explanation of rules affect, i.e. what procedures, schedules, activities, etc. will change with its adoption 2) statistics used, and their source. It 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 458, for a floor. State Capitol, Pierre, South Dakota, on January 10, 2000, at 9:00 a.m., to consider the adoption and amendment of proposed rules numbered §§ 20:10:01:09, 20:10:01:11:01: 20:10:17:03, 20:10:24:02 and 20:10:32:03.

The effects of the proposed rules changes are as follows:

In section 20:10:01:09, the language which is removed required that the Public Utilities Commission first find probable cause of an unlawful or unreasonable act, rate practice, or omission on the part of a utility when a complaint is made against that utility and before the matter proceeds to a hearing. With the removal of that language, encoun complaint is filed, the Public Utilities Commission would then forward it to the utility which has twenty days to answer it and then, if it remains unresolved, it would proceed to hearing.

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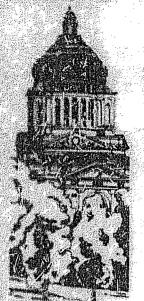
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In section 20:10:32:03(11)(a), similar to the change in section 20:10:24:02(8), in applicant for a certificate of authority for local exchange service must furnish its financial statements to the Public Utilities Commission.

Since the reasons for the proposed rules are to streamline regulatory procedures and simplify billings by gas and electric utilities, there are no fiscal impacts on stain agencies or local governmental subdivisions.



South Dahota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

December 10, 1999

4 apitol Office Telephone (605)773-3201 FA5: (605)773-3809

Transportation/ Warehouse Division Telephouse (605)773-5280 FAX (665)773-3225

> 1 besumer Holling 1-890-352-1782

CTY Through Maley South Dakota 1-800-077-1113

Internet Website www.puc.state.sd.us/puc/

> Am Burg Chairman Pum Nelson Mice-Chairman Luiku Schoenfelder Commissioner

William Bullard Ir. Executive Director

Hutan Best Martin C. Bettmann Suc Ciclois Karen E. Cromer Michele M. Parris Martette Fischbach Heather K. Forney Shirleen Fugitt Mary Giddings Lewis Hammond Leni Healy Cumren Hoseck Lisa Hull Dave Incobson Katic Johnson Dob Knadle Delaine Knibo Chadene Lund Terry Norum Gregory A. Rislov Keith Senger Reliayne Ailts Wiest Capital Journal P. O. Box 878 Pierre, SD 57'501

To whom it may concern:

Please publish the enclosed notice in your paper as a display advertisement for one issue by December 17, 1999.

South Dakota law requires that this notice be published as a display advertisement. Your failure to return your Affidavit of Publication containing the words "display advertisement" with your invoice will nullify your claim for publication feets.

Sincerely yours,

Camron Hoseck Staff Attorney

CH:dk Enc.



South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

December 10, 1999

Capitel Office Telephone (605)773-3201 FAX (605)773-3809

Transportation/ Warehouse Division Temphone (605)773-5280 VAX (605)773-3225

> Consumer Hesline 3-800-332-1782

TIV Through Relay South Bakota 1-500-277-1113

Internet Website

Jim Burg Chairman Pam Nelson Vice-Chairman Laska Schoenfelder Commissioser

William Bullard Jr. Executive Director

Harlan Best Martin C. Bettmann Suc Cichos Karen E. Cremer Michele M. Farris Marlette Fischbach Heather K. Forney Shirteen Fugitt Mary Giddings Lewis Hammond Leni Healy Camron Hoseck Lisa Hull Daya Jacobson Karie Johnson Bob linadle Delaine Kolbo Charlene Lund Terry Norum Gregory A. Rislov Keith Senger Rolayne Ailts Wiest Brookings Register P. O. Box 177 Brookings, SD 57006

To whom it may concern:

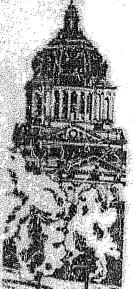
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Camron Hoseck Staff Attorney

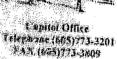
CH:dk Enc.



South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Daketa 57501-5070

December 10, 1999



Teamportation/
Waterbouse Division
Telesions (605)773-3225
FAR (605)773-3225

(nusumer Holline 1-80%-132-1782

TTV Through Welvy Speil Docora V-806-377-1113

> Jisa Burg Chairman Pam Neison Vice-Chairman Laska Schomfelder Commissioner

William Hullard Jr. Executive Director

Harlan Best Martin C. Dettmann Suc Cichos Kanto P. Cremer Michele M. Parris Mariette Pischbach Henther K. Forney Shirteen Fruitt Mary Gibamgs Lewis Hammond Len Henry Carron Hoseck Lisa Hull Dave Jacobson Kathe Johnson Hob Knadle Delaine Kulbo Charlene Lund Terry Norum Circulary A. Rislay Keith Senger Rolline Alius Wiell

Black Hills Pioneer P. O. Box 7 Spearfish, SD 57783

To whom it may concern:

Please publish the enclosed notice in your paper as a display advertisament for one

South Dakota law requires that this notice be published as a display advictisement. Your failure to return your Affidavit of Publication containing the words "display advertisement" with your invoice will nullify your claim for publication fees.

Sincerely yours,

Camron Hoseck Staff Attorney

CH:dk



Public Utilities Commission Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 468, fourth floor, State Capitol, Pierre, South Dakota, on January 10, 2000, at 9:00 a.m., to consider the adoption and emendment of proposed rules numbered

20:10:01:09, 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03

The effects of the proposed rules changes are as follows:

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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 January 21, 2000, to be considered.

After the hearing, the Commission will consider all written and oral comments if 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 (505) 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

The proposed rules may also be found on the Public Utilities Commission's frome page at the following address: http://www.state.sd.us/puc.

AFFIDAVIT OF MAILING TICE TO INTERESTED PARTIES

I, Delaine Kolbo, under cath, do swear, that on December 10, 1999, i mailed a copy of the notice attached to this affidavir. I further swear that the attached list is a true and correct list of all persons who have requested advance notice of rulemaking proceedings by the Public Utilisias Commission.

Delaine Kolbo

Subscribed and sworn to before me this 10th day of December, 1999.

Notary Public - South Dakota

(SEAL)

My Commission Expires

, 19__.

CAMEON HOSECK Pentary Public My Commission Expires Mar. 15, 2005

Public Utilities Commission Notice of Public Hearing to Adopt Rules

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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

The proposed rules may also be found on the Public Utilities Commission's name page at the following address: http://www.state.sd.us/puc.

ETG COMMUNICATIONS, INC. 140 MORTH PHILLIPS AVE STE 404 SICALA FALLS SD 57102-0539 VAL NO. (800)858-3064 FAX NO. (800)335-3942

WAYNE ACLAND
LANAGER
BERESFORD MUNICIPAL TELEPHONE
ICH NOWTH JRD STREET
SCHESFORD SD 57004-1796
Folkon 1605/763-2008
FAX No. 1605/763-2329

ARCHAE: ANDERSON VICE PRESIDENT EIG PLANET, INC. JE WEST CENTER STREET PROVO UT 84801 Tal Mo. (801)345-7000 FAX. No. (801)345-6999

CLAY ARENDES
STAFF ATTORNEY
SPRINT COMMUNICATIONS
8140 WARD PARKWAY, 5TH FLR
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Val. No. (913)624-5447
FAX. No. (813)624-4088

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Tall No. (800)783-2909
FAX. No. 1214)693-8721

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SIOUX FALLS SD 57102-0558
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(10H J BARISH BARISH & VAN HELDEN 1409 W 8TH ST AUSTIN 1X 78703-5140 Tel No. (512)477-9068 FAX. No. (512)477-9061

DESCRIAH BARRETT

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PRESIDENT
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WOODLAND HILLS CA 91367
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FAX. No. (818)702-6645

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MAIJA BECK SECRETARY U S WEST COMMUNICATIONS, INC. 1801 CALIFORNIA ST STE 5100 DENVER CO 80202 Tel. No. (303)672-2810 FAX. No. (303)295-7046

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TM. Nr. (253)272-5060
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LXECLITIVE VICE PRESIDENT
US WATS, INC.
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BENSALEM PA 19020-2052
Tet. No. #215)633-9400
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626 SANTA MONICA BLVD STE 246
5ANTA MONICA CA 90401-2538
Tal. No. (310)451-6775
FAX. No. (310)458-3306

JERRY CASLER
INIVERTH DATA, INC.
211 N ROBINSON AVENUE STE S-1500
OKLAHOMA CITY OK 73102-7101
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PETER J BRENNAN DIRECTOR OF DEVELOPMENT TELE-PUBLISHING INC. 126 BROOKLINE AVENUE BOSTON MA 02215 Tel. No. (617)536-2340 FAX. No. (617)536-7977

JACK BROWN
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RICHARD E BROWN
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ACCESS POINT, INC.
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NANCY V BUCHAN
ANALYST III
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GARY K CARPENTER
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ADVANCED TELECOMMUNICATION NETWORK, INC
FOUR EXECUTIVE CAMPUS SUITE 200
CHERRY HILL NJ 03002-4105
Tel. No. (609)662-8700
FAX. No. (609)321-7801

BEVERLY CEDEMBURG EXTERNAL AFFAIRS AT&T 1875 LAWRENCE STREET 14TH FLOOR DENVER CO 80202-1847 Tel. No. (303)280-8298 FAX. No. (303)298-8233 TONY CENTER
REGULATORY MANAGER
FEDERAL TRANSTEL, INC.
5555 GLENRIDGE CONNECTOR STE 200
ATLANTA GA 30342
Twl. Mo. (800)933-6600
FAX. No. (800)933-0077

MOBIN CHARLESTON AT&T 227 WEST MONROE ST - 6TH FLOOR CHICAGO IL 60606-5016 Tul. No. (312)230-2665 FAX. No. (312)230-8210

DAN CHERN
WINSTAR GATEWAY NETWORK, INC.
R586 N STEMMONS FRWY SO STE 1100
DALLAS TX 75247
Tel. No. (800)239-2989
FAX. No. (214)672-4701

LAURA CLORE
REGULATORY MANAGER
ONE CALL COMM. INC. DBA OPTICOM
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CARMEL IN 46032
Tel. No. (800)876-1300
FAX. No. (317)580-7496

RICHARD CONNORS MANAGER JEFFERSON TELEPHONE COMPANY PO BOX 128 JEFFERSON SD 57038-0128 Tel. No. (605)966-5631 FAX. No. (605)966-5340

RETHA CORKRAN
REGULATORY ANALYST
EQUALNET CORPORATION
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MINNEAPOLIS MN 55403
Tel. No. (612)339-0733
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VP - ADMINISTRATION & MARKETING
GLACIAL LAKES CELLULAR
1203 9TH AVE SE
WATERTOWN SD 57201
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FAX. No. (605)882-4804

LARRY CHROMAN
PRESIDENT
USA GLOBAL LINK, INC.
50 NORTH THIRD STREET
FAIRFIELD IA \$2556
Tel. No. (515)472-1550
FAX. No. (515)742-1620

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ADMINISTRATIVE PROCEDURES / COMMISSION / GO

Prepried by Submitting Agency

DEPARTMENT	13	COMPANIE LA POPULAÇÃO DE LA PROPERTIDA DEL PROPERTIDA DE LA PROPERTIDA DE LA PROPERTIDA DEL P
DIVISION	739	Public Utatios Commission
PROGRAM	1393	Fixed Unities Division

PROPOSED RULE: _20:10:01:09.20:10:01:11.01.20:10:17:01.22:10:26:16:01:12:11

Hearing Date: January 10, 2000

MISCAL NOTE SUMMARY.

List state agencies of local governmental subdivisions affected.

COST INCREASES (DECREASES)

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APPROVED

Surviva Conservant Court

Signature Department Secretary or Board or Continuation Chairman

ATTACH: Copy of proposed rules; separate sections for; I) expension of name seast, i.e. sets a procedures, schedules, activities, etc. will change with in adoption 21 exercises wast, were made to arrive at fiscal arpect. A computations that were made to arrive at fiscal arpect. A computations that were resease.



DEPARTMENT OF EXECUTIVE MANAGEMENT

Bureau of Finance and Management 500 East Capitol, Pierre, SD 57501 (605) 773-3411 FAX: (605) 773-4711

CASAN FALES CHEAT PLACES

Docember 13, 1999

The Bureau of Finance and Management has reviewed the attached proposed rules from the Department of Commerce & Regulation and concurs with the assumptions and fiscal impact calculations within the attached package.

DEAL

COO44 Dans

IN THE MATTER OF THE PROMULGATION OF ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) Public Utilities Commission's proposed revised rules: §§ 20:10:01:05:09 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03
- (2) the notice of hearing, and
- (3) the fiscal note

is hereby admitted at Pierre, South Dakota, this ______ clay of December, 1999.

Bureau of Finance and Management

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 05 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03; and
- (2) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this _6 70 day of December, 1999.

Secretary of Department of Commerce and Regulation

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: §§ 20-10-01-09-20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03.

Dated this ______ day of December, 1999.

Secretary of Department of Commerce and Regulations

Public Utilities Commission Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 468, fourth floor, State Capitol, Pierre, Scult-Dakota, on January 10, 2000, at 9:00 a.m., to consider the adoption and amendment of proposed rules numbered

20:10:01:09, 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03

The effects of the proposed rules changes are as follows:

In section 20:10:01:09, the language which is removed required that the Public Utilities Commission first find probable cause of an unlawful or unreasonable act. False practice, or omission on the part of a utility when a complaint is made against that using and before the matter proceeds to a hearing. With the removal of that language, once a complaint is filed, the Public Utilities Commission would then forward it to the utility which has twenty days to answer it and then, if it remains unresolved, it would proceed to hearing.

In section 20:10:01:11.01, consistent with the proposed change in section 20:10:01:09, the defense of there being no probable cause of an unlawful or unreasonable act, rate, practice, or omission on the part of a utility is removed from defenses a utility may assert either in its answer or by a motion to dismiss. In other words, with the removal of the necessity that the Public Utilities Commission find that there is probable cause for a complaint to move forward, this modification removes it as a defense which may be asserted later in the complaint proceedings.

In section 20:10:17:03, all of subsection (11) is removed which is a statement crethe bill from a gas or electric utility to a customer that the customer is responsible for payment of all charges for service rendered. Further, the last paragraph of this sections is modified to remove approval by the Public Utilities Commission of advertising which may be included with a customer's bill.

In section 20:10:24:02(8) this modification specifies that the current financial statements of the applicant must be furnished to the Public Utilities Commission of applications for certificates of authority for interexchange service.

In section 20:10:32:03(8), an applicant for a certificate of authority for local exchange service would be able to furnish either a map or a narrative description of the geographic area it intends to serve as opposed to present language which requires a map and a narrative description.

In section 20:10:32:03(11)(a), similar to the change in section 20:10:24:02(B), an applicant for a certificate of authority for local exchange service must turnish its financial statements to the Public Utilities Commission.

The reasons for the proposed rules are to streamline regulatory procedures simplify billings by gas and electric utilities.

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 January 21, 2000, 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 netice.

Notice is further given to individuals with disabilities that this hearing is being hard in a physically accessible place. Please notify the Public Utilities Commission at least 49 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

The proposed rules may also be found on the Public Utilities Commission's horse page at the following address: http://www.state.sd.us/puc

ADMINISTRATIVE PROCEDURES ACT FISCAL NOTE Prepared by Submitting Agency

	CODE	NAWE
DEPARTMENT	13	Department of Commerce & Regulation
DIVISION	139	Public Utilities Commission
PROGRAM	1393	Fixed Utilities Division

PROPOSED	RULE	20:10:01	1:09, 20	J:10:01:1	11.01,	20:10:17:03,	. 20:10	0:24:02	and :	20:10:3	2:03	
Hearing Date	Ja	muary	10.						e i caracitati de la composición de la	ALTERNATION OF STREET		

FISCAL NOTE SUMMARY:

List state agencies of local governmental subdivisions affected.

COST INCREASES (DECREASES)

State Agencies:	First-Year Impact	Continuous-Yealny Impact
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APPROVED Jamos Just Just Secretary of Board or Commission Cinamian

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, 2 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 468, fourth # #. State Capitol, Pierre, South Dakota, on January 10, 2000, at 9:00 a.m., to consider adoption and amendment of proposed rules numbered §§ 20:10:01:09, 20:10:01:11 (fr. 20:10:17:03, 20:10:24:02 and 20:10:32:03.

The effects of the proposed rules changes are as follows:

In section 20:10:01:09, the language which is removed required that the Public Utilities Commission first find probable cause of an unlawful or unreasonable act, rate practice, or omission on the part of a utility when a complaint is made against that utility and before the matter proceeds to a hearing. With the removal of that language, once a complaint is filed, the Public Utilities Commission would then forward it to the utility which thes twenty days to answer it and then, if it remains unresolved, it would proceed to hearing.

In section 20:10:01:11.01, consistent with the proposed change in section 20:10:01:09, the defense of there being no probable cause of an unlawful or unreasonable act, rate, practice, or omission on the part of a utility is removed from defenses a utility may assert either in its answer or by a motion to dismiss. In other words, with the removal of the necessity that the Public Utilities Commission find that there is probable cause for a complaint to move forward, this modification removes it as a defense which may be asserted later in the complaint proceedings.

In section 20:10:17:03, all of subsection (11) is removed which is a statement in the bill from a gas or electric utility to a customer that the customer is responsible for payment of all charges for service rendered. Further, the last paragraph of this section is modified to remove approval by the Public Utilities Commission of advertising which may be included with a customer's bill.

In section 20:10:24:02(8) this modification specifies that the current financial statements of the applicant must be furnished to the Public Utilities Commission in applications for certificates of authority for interexchange service.

In Section 20:10:32:03(8), an applicant for a certificate of authority for local exchange service would be able to furnish either a map or a narrative description of the geographic area it intends to serve as opposed to present language which requires a map and a narrative description.

In section 20:10:32:03(11)(a), similar to the change in section 20:10:24:02(8), an applicant for a certificate of authority for local exchange service must furnish its financial statements to the Public Utilities Commission.

Since the reasons for the proposed rules are to streamline regulatory procedures and simplify billings by gas and electric utilities, there are no fiscal impacts on state agencies or local governmental subdivisions.

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20:10:01:09. Service of complaint. If the commission believes that the complaint shows probable cause of an unlawful or unreasonable acturate, practice of an unlawful or unreasonable acturate, practice of an unlawful or unreasonable acturate, practice of the respondent a statement of the complaint and a notice requiring the respondent to satisfy the complaint or answer it in writing within 20 days from the date of service of the notice or within such further time as may be specified by the commission.

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11, 49-34A-4.

Law Implemented: SDCL 49-1-11, 49-13-1, 49-34A-4.

Cross-Reference: Manner of service, § 20:10:01:22.03.

20:10:01:11.01. Defenses to complaint. The defense that the complainant does not have a good or sufficient reason for making a complaint, that the complainant is without standing to make the complaint, or that a complaint fails to show probable cause or otherwise fails to conform to this chapter, may be raised by motion to dismiss or answer, at the option of the respondent. All other defenses to the complaint shall be raised by answer. An original and three copies of the motion to dismiss or answer, accompanied by proof of service of a copy thereof on the complainant shall be filed with the commission. The answer shall specifically admit or specifically deny material allegations of the complaint and may also contain a statement of new matera constituting an affirmative defense. If the respondent has no information or belief on the subject sufficient to enable the respondent to answer an allegation of the complaint, the respondent may so state in the answer and place a denial upon that ground.

Source: 2 SDR 56, effective February 2, 1976; transferred from § 20:10:14:11 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11, 49-34A-4.

Law Implemented: SDCL 49-1-11, 49-13-1, 49-34A-4.

Cross-Reference: Service of complaint, § 20:10:01:09.

20:10:17:03. Information on bills. Bills provided to customers for electric and gas service shall include, but are not limited to, the following information:

- (1) The meter reading and the date the meter was read;
- (2) The number and kinds of units metered;
- (3) Identification of the applicable rate schedule;
- (4) The amount of the bill;
- (5) The date on which the bill will become delinquent;
- (6) The late fee, if applicable:
- (7) The date on which payment must be made in order to avoid the late for, if applicable;
- (8) If an estimated bill, clear and conspicuous language identifying the bill as une estimated bill;
 - (9) Tax, fuel, or power adjustment clause separately itemized, if applicable
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1985, 12 SDR 151, 12 SDR 155, effective July 1, 1986 Source: 3 SDR 2, effective July 19, 1976; 12 SDR 86, effective November 24

General Authority: SDCL 49-34A-4.

Law Implemented: SDCL 49-34A-3, 49-34A-4, 49-34A-27

grants a waiver to omit a specific item of information; provide the following information with the company's application unless the company's authority with the commission pursuant to SDCL 49-31-3 for interexchange service shall requirements. Each telecommunications company required to apply for a certificate of 20:10:24:02. Certificate of authority for interexchange service - Application

- (1) The name, address, and telephone number of the applicant
- than in subdivision (1) of this section; (2) The name under which the applicant will provide these services it different
- (3) If the applicant is a corporation:
- certificate of authority to transact business in South Dakota from the Secretary of State of its certificate of incorporation or, if it is an out-of-state corporation, a copy of its (a) The state in which it is incorporated, the date of incorporation, and a copy
- address of its current registered agent; and (b) The location of its principal office, if any, in this state and the name and
- cooperative, or individual holding a 20 percent or greater ownership or managament (c) The name and address of each corporation, association, purposes up

interest in the applicant corporation and the amount and character of the ownership or management interest;

(4) If the applicant is a partnership, the name, title, and business address of each partner, both general and limited;

- (5) A description of the telecommunications services the applicant intends to offer;
- (6) A detailed statement of the means by which the applicant will provide its services:
- (7) The geographic areas in which the services will be offered or a map describing the service area;
- (8) Current financial statements of the applicant including a balance sheet income statement, and cash flow statement; a copy of the applicant's latest annual report; a copy of the applicant's report to stockholders; and a copy of applicant's tariff with the terms and conditions of service;
- (9) The names, addresses, telephone number, fax rumber, E-mail address, and toll free number of the applicant's representatives to whom all inquiries must be made regarding complaints and regulatory matters and a description of how the applicant handles customer billings and customer service matters;
- (10) A list of the states in which the applicant is registered or certified to prove telecommunications services, whether the applicant has ever treen denied registration or certification in any state and the reasons for any such denied, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agrees or

in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable.

- (11) A description of how the applicant intends to market its services its target market, whether the applicant engages in any multilevel marketing, and copies of any company brochures used to assist in the sale of services:
- (12) Cost support for rates shown in the company's tariff for all remember the company's tariff for all remember the company's tariff for all remember to competitive or
 - (13) Federal tax identification number;
- (14) The number and nature of complaints filed against the applicant with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;
- (15) A written request for waiver of those rules the applicant believes to be inapplicable; and
- (16) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the interexchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited featured statement and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (2), (7), and (3) and subsection (3)(b) of this section as they occur. If a company revisite its tariff the revised tariff sheets shall be provided to the commission.

Source: 16 SDR 106, effective December 27, 1989; 21 SDR 81, effective November 3, 1994; 22 SDR 107, effective February 18, 1996; 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3.

20:10:32:03. Certificate of authority for local exchange service—
Application requirements. A telecommunications company required to apply for a certificate of authority for local exchange services from the commission shall submit a written application and provide the following information unless the commission grants a waiver to omit a specific item of information:

- (1) The applicant's name, address, telephone number, facsimile number, E-mail address, and whether the applicant is a sole proprietorship, partnership, corporation, limited liability corporation, or limited liability partnership;
- (2) If a sole proprietorship, the full name and business address of its owner, if a partnership, the full name and business address of each partner; if a corporation, a listing of the full name and business address of each corporate officer and director; if a limited liability corporation, the full name and business address of each member, or, if a limited liability partnership, the full name and business address of each partner.
- (3) The name under which applicant will provide local exchange services it different than in subdivision (1) of this section;
 - (4) If a corporation:
- (a) The location of its principal office, if any, in this state and the name and address of its current registered agent:

- (b) A list of shareholders owning twenty percent or more of the interest in business;
- (c) The state in which the applicant is incorporated, the date of incorporation, and a copy of its certificate of incorporation; and
- (d) If it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the secretary of state;
- (5) A description of the applicant's experience providing any telecommunications services in South Dakota or in other jurisdictions, including the types of services provided, and the dates and nature of state or federal authorization to provide the services;
- (6) Names and addresses of applicant's affiliates, subsidiaries, and parent organizations, if any;
- (7) A list and specific description of the types of services the applicant seeks to offer and the means by which the services will be provided including:
- (a) Information indicating the classes of customers the applicant intends to serve:
- (b) Information indicating the extent to and time-frame by which applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale;
- (c) A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers.
- (d) Information identifying the types of services it seeks authority to provide by reference to the general nature of the service;

- (8) A service area map—and or narrative description indicating with particularly the geographic area proposed to be served by the applicant;
- (9) Information regarding the technical competence of the applicant to provide its proposed local exchange services including:
- (a) A description of the education and experience of the applicant's management personnel who will oversee the proposed local exchange services; and
- (b) Information regarding policies, personnel, or arrangements made by the applicant which demonstrates the applicant's ability to respond to customer complaints and inquiries promptly and to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements:
- (10) Information explaining how the applicant will provide customers with access to emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services;
 - (11) Financial information including:
- (a) For the most recent 12 month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements: and
- (b) If a public corporation, the applicant's latest annual report and report to stockholders;
- (12) Information detailing the following matters associated with interconnection to provide proposed local exchange services:
- (a) The identity of all local exchange carriers with which the applicant plans to interconnect;

- (b) The likely timing of initiation of interconnection service and a statement as to when negotiations for interconnection started or when negotiations are likely to start; and
- (c) A copy of any request for interconnection made by the applicant to any local exchange carrier;
- (13) A tariff or price list indicating the prices, terms, and conditions of each contemplated local service offering;
- (14) Cost support for rates shown in the company's tariff or price list for rate or price regulated noncompetitive or emerging competitive services;
- (15) A description of how the applicant intends to market its local exchange services, its target market, whether the applicant engages in multilevel marketing, and copies of any company brochures that will be used to assist in sale of the services.
- (16) If the applicant is seeking authority to provide local exchange service in the service area of a rural telephone company, the date by which the applicant expects to meet the service obligations imposed pursuant to § 20:10:32:15 and applicant's plans for meeting the service obligations;
- (17) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable;

- (18) The names, addresses, telephone numbers, E-mail addresses, and facsimile numbers of the applicant's representatives to whom all inquiries must be made regarding customer complaints and other regulatory matters:
- (19) Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed local exchange services;
- (20) Information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of local service customers by the applicant, its employees, or agents;
- (21) The number and nature of complaints filed against the applicant with any state or federal commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;
 - (22) A written request for waiver of those rules believed to be inapplicable:
 - (23) Federal tax identification number, and
- (24) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the local exchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (3), (13), and (18) and subsection (4)(a) of this section as they occur. However, a telecommunications

company serving less than fifty thousand local exchange subscribers in this state is not required to file cost support information and its tariffs shall be filed for informational purposes only.

Source: 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-69, 49-31-76.



Legislative Research Council

Mep. Kenneth G. McNenny, Chair Sen. Arnold M. Brown, Vice Chair

Terry C. Anderson, Director Doing Decker, Code Counsel

December 13, 1999

James Burg, Commissioner South Dakota Public Utilities Commission 500 East Capitol Avenue Pierre, South Dakota 57501-5070

Dear Commissioner Burg:

The Public Utilities Commission has proposed the adoption, repeal, or amendment of rules in chapters 20:10:01, 20:10:17, 20:10:24, and 20:10:32 to streamline regulatory procedures and simplify billings by gas and electric utilities. We have reviewed the proposed rules, scheduled for hearing on January 10, 2000, and approve the rules for legality.

This letter is based on a preliminary review of your rules. Attached are your rules edited for form and style pursuant to SDCL 1-26-6.5 and directions for submitting the final death of the rules. If you have an, questions, please don't hesitate to call me or the staff member who has reviewed your rules.

incerely yours,

Doug Decker Code Counsel

DD:FJB

PROPOSED RULES: ARSD Chapters 20:10:01, 20:10:17, 20:10:24, and 20:10:17 relating

streamlining regulatory procedures and unspiriture believes by gas well

electric utilities.

HEARING DATE: January 10, 2000

When the final draft of the adopted rules is brought to this office for signature for legality and less form and style, please include the following items:

- (1) The edited copy of the first draft;
- (2) One legible copy of the final draft, to be left here. The final draft should be double spaces, contain only rules being amended, repealed, or adopted, and show changes fines contain printed rules by means of overstrikes and underscores;
- (3) The original form #11 which contains the signature of the officer empowered to aloga the rules or the signatures of a majority of the members of a found or commissions which has the rule-making authority;
- (4) Copies of the following:
 - (a) The minutes of the public hearing,
 - (b) The affidavit of mailing to Rules Committee members, if already these

A copy of the final draft of the rules, together with the minutes of the peaks learning, must be mailed to each member of the interim Rules Review Committee at least ten days before the rules are filed with the Secretary of State. Regular mail may be used.

The Legislative Research Council requests that you submit the final deaft of the makes for approval by this office at the same time that you send it to the Rules Review Committee members. If you think substantive change may be needed in the final draft, you may send it to use before you would to the committee.

It should be noted that agencies are responsible for seeing that all documents are completed and signed before the certificate of compliance with Chapter 1-26 and the final draft of the rules are filed with the Secretary of State's Office. Although it is not required by statute, the Secretary of State's Office would like to have a copy of the approval signature sheet with the filing of the first draft and the certificate.

IN THE MATTER OF THE PROMULGATION OF ADMINISTRATIVE RULES

ADMISSION OF SERVICE

day of December, 1999

Personal service of

- (1) Public Utilities Commission's proposed revised rules. §§ 20.10:01:09. 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03,
- (2) the notice of hearing,
- (3) the fiscal note, and
- (4) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this

Legislative Research Coursil

Public Utilities Commission Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 468, fourth floor, State Capitol, Pierre, Sculb Dakota, on January 10, 2000, at 9:00 a.m., to consider the adoption and amendment of proposed rules numbered

20:10:01:09, 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03

The effects of the proposed rules changes are as follows:

In section 20:10:01:09, the language which is removed required that the Public Utilities Commission first find probable cause of an unlawful or unreasonable act, rate practice, or omission on the part of a utility when a complaint is made against that utility and before the matter proceeds to a hearing. With the removal of that language, once a complaint is filed, the Public Utilities Commission would then forward it to the utility which has twenty days to answer it and then, if it remains unresolved, it would proceed to hearing.

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In section 20:10:32:03(11)(a), similar to the change in section 20:10:24.02(8), an applicant for a certificate of authority for local exchange service must furnish its financial statements to the Public Utilities Commission.

The reasons for the proposed rules are to streamline regulatory procedures and simplify billings by gas and electric utilities

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, Pierra, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission by January 21, 2000, 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 4th 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 (GOS) 173-3201.

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

The proposed rules may also be found on the Public Utilities Commission's home page at the following address: http://www.state.sd.us/puc.

ADMINISTRATIVE PROCEDURES ACT FISCAL NOTE Prepared by Submitting Agency

	THE LOCAL SERVICE	Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z
IMPARTMENT		Department of Commerce & Regulation
TOVINAN	139	Public Utilities Commission
PROGRAM	l .	Fixed Utilities Division

FROPOSED RULE 20:10:01:09, 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03
Favoring Date January 10, 2000

PASCAL MOTE SUMMARY:

Last state agencies of local governmental subdivisions affected.

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Signature Department Secretary of Board or Commission Chairman

ATTACH: Copy of proposed rules; separate sections for: 1) explanation of rules offect, i.e. what procedures, schedules, ectivities, 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.

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Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR underline () 181, 12 SDR 165, effective July 1, 1986.

General Authority: SDCL 49-1-1 1, 49-34A-4.

Law implemented: SDCL 49-1-17, 49-13-1, 49-34A-4/.

Cross-Reference: Manner of service, § 20:10:01:22.03.

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Source: 2 SDR 56, effective February 2, 1976; transferred from § 20:10:14:15, 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1. 1986

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- (6) The late fee, if applicable;
- (7) The date on which payment must be made in order to avoid the late fee, if applicable:
- (8) If an estimated bill, clear and conspicuous language identifying the bill as an estimated bill:
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- in represent that the customer is educated and all the constant of the constan capita-randarad.

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Source: 3 SDR 2, effective July 19, 1976; 12 SDR 86, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-34A-4. (3)(14)

Law Implemented: SDCL 49-34A-3, 49-34A-4, 49-34A-27.

20:10:24:02. Certificate of authority for interexchange service — Application requirements. Each telecommunications company required to apply for a certificate of authority with the commission pursuant to SDCL 49-31-3 for interexchange service shall provide the following information with the company's application unless the commission grants a waiver to omit a specific item of information:

- (1) The name, address, and telephone number of the applicant;
- (2) The name under which the applicant will provide these services if different than in subdivision (1) of this section:
 - (3) If the applicant is a corporation:
- (a) The state in which it is incorporated, the date of incorporation, and a copy of its certificate of incorporation or, if it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the Secretary of State:
- (b) The location of its principal office, if any, in this state and the name and address of its current registered agent; and
- (c) The name and address of each corporation, association, partnership, cooperative, or individual holding a 20 percent or greater ownership or management.

interest in the applicant corporation and the amount and character of the ownership or management interest;

- (4) If the applicant is a partnership, the name, title, and business address of each partner, both general and limited;
- (5) A description of the telecommunications services the applicant intends to offer,
- (6) A detailed statement of the means by which the applicant will provide its services;
- (7) The geographic areas in which the services will be offered or a map describing the service area;
- (8) Current financial statements of the applicant including a balance sheet, income statement, and cash flow statement; a copy of the applicant's latest around report; a copy of the applicant's report to stockholders; and a copy of applicant's tant's with the terms and conditions of service;
- (9) The names, addresses, telephone number, fax number, E-mail address, and tell free number of the applicant's representatives to whom all inquires must be made regarding complaints and regulatory matters and a description of how the applicant handles customer billings and customer service matters;
- (10) A list of the states in which the applicant is registured or contilled to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency

in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable;

- (11) A description of how the applicant intends to market its services, its target market, whether the applicant engages in any multilevel marketing, and copies of any company brochures used to assist in the sale of services;
- (12) Cost support for rates shown in the company's tariff for all noncompetitive or emerging competitive services:
 - (13) Federal tax identification number,
- (14) The number and nature of complaints filed against the applicant with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;
- (15) A written request for waiver of those rules the applicant believes to be inapplicable; and
- (16) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the interexchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (2), (7), and (0) and subsection (3)(b) of this section as they occur. If a company revises its tanif, the revised tariff sheets shall be provided to the commission.

Source: 16 SDR 106, effective December 27, 1989; 21 SDR 81, effective November 3, 1994; 22 SDR 107, effective February 18, 1996; 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3.

20:10:32:03. Certificate of authority for local exchange service —

Application requirements. A telecommunications company required to apply for a certificate of authority for local exchange services from the commission shall submit a written application and provide the following information unless the commission grants a waiver to omit a specific item of information:

- (1) The applicant's name, address, telephone number, facsimile number, E-mail address, and whether the applicant is a sole proprietorship, partnership, corporation, limited liability corporation, or limited liability partnership:
- (2) If a sole proprietorship, the full name and business address of its owner, if a partnership, the full name and business address of each partner, if a corporation, a listing of the full name and business address of each corporate officer and director if a limited liability corporation, the full name and business address of each member, or, if a limited liability partnership, the full name and business address of each partner.
- (3) The name under which applicant will provide local exchange services it different than in subdivision (1) of this section;
 - (4) If a corporation:
- (a) The location of its principal office, if any, in this state and the name and address of its current registered agent;

- (b) A list of shareholders owning twenty percent or more of the interest in a business;
- (c) The state in which the applicant is incorporated, the date of incorporation, and a copy of its certificate of incorporation; and
- (d) If it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the secretary of state;
- (5) A description of the applicant's experience providing any telecommunications services in South Dakota or in other jurisdictions, including the types of services provided, and the dates and nature of state or federal authorization to provide the services:
- (6) Names and addresses of applicant's affiliates, subsidiaries, and parent organizations, if any:
- (7) A list and specific description of the types of services the applicant seeks to offer and the means by which the services will be provided including:
- (a) Information indicating the classes of customers the applicant intends to serve;
- (b) Information indicating the extent to and time-frame by which applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale;
- (c) A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers; and
- (d) Information identifying the types of services it seeks authority to provide by reference to the general nature of the service;

- (8) A service area map-and or narrative description indicating with particularity the geographic area proposed to be served by the applicant:
- (9) Information regarding the technical competence of the applicant to provide its proposed local exchange services including:
- (a) A description of the education and experience of the applicant's management personnel who will oversee the proposed local exchange services; and
- (b) Information regarding policies, personnel, or arrangements made by the applicant which demonstrates the applicant's ability to respond to customer complaints and inquiries promptly and to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements.
- (10) Information explaining how the applicant will provide customers with across to emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services.
 - (11) Financial information including:
- (a) For the most recent 12 month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements; and
- (b) If a public corporation, the applicant's latest annual report and report in stockholders:
- (12) Information detailing the following matters associated with information to provide proposed local exchange services:
- (a) The identity of all local exchange carriers with which the applicant plans to interconnect;

- (b) The likely timing of initiation of interconnection service and a statement as to when negotiations for interconnection started or when negotiations are likely to start; and
- (c) A copy of any request for interconnection made by the applicant to any local exchange carrier;
- (13) A tariff or price list indicating the prices, terms, and conditions of each contemplated local service offering;
- (14) Cost support for rates shown in the company's lariff or price lest for rate of price regulated noncompetitive or emerging competitive services:
- (15) A description of how the applicant intends to market its local exchange services, its target market, whether the applicant engages in multilevel marketing, and copies of any company brochures that will be used to nasist in sale of the societies.
- (16) If the applicant is seeking authority to provide local exchange service in the service area of a rural telephone company, the date by which the applicant expects to meet the service obligations imposed pursuant to § 20:10:32:15 and applicant's plans for meeting the service obligations;
- (17) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has over them derived registration or certification in any state and the reasons for any such derival, a statement as to whether or not the applicant is in good standing with the appropriate regulatory against in the states where it is registered or certified, and a detailed explanation of why this applicant is not in good standing in a given state, if applicable:

- (18) The names, addresses, telephone numbers, E-mail addresses, and facsimile numbers of the applicant's representatives to whom all inquiries must be made regarding customer complaints and other regulatory matters;
- (19) Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed local exchange services;
- (20) Information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of local service customers by the applicant, its employees, or agents;
- (21) The number and nature of complaints filed against the applicant with any state or federal commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;
 - (22) A written request for waiver of those rules believed to be inapplicable;
 - (23) Federal tax identification number; and
- (24) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the local exchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (3), (13), and (18) and subsection (4)(a) of this section as they occur. However, a telecommunications

company serving less than fifty thousand local exchange subscribers in this state is nequired to file cost support information and its tariffs shall be filed for informational purposes only.

Source: 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-69, 49-31-76.

RM99-002

LAW OFFICES

MAY, ADAM, GERDES & THOMPSON LLP

503 SOUTH PIERRE STREET P. O. BOX 160

PIERRE, SOUTH DAKOTA 57501-0160

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SOUTH DAKOTA FUBLIC UTILITIES COMMISSION

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

RE: NORTHERN STATES POWER COMPANY REGULATORY; JANUARY 2000

RULES HEARING Our file: 0185

Chairman Burg and Commissioners Schoenfelder and Nelson:

Please accept these comments on behalf of Northern States Power Company concerning the proposed rules changes which have been noticed for hearing in Room 468, State Capital, on January 10, 2000, at 9:00 a.m.

The Company has no objection to the rules changes dealing with the contents of applications for certificates of authority. Also, the Company has no position on the deletions in the rules dealing with bills provided to customers for electric and gas service.

However, the proposed amendments to ARSD 20:10:01:09 and 20:10:01:11.01 would eliminate the probable cause determination now made by the Commission on Consumer Complaints. We believe the probable cause requirement provides a good vehicle to weed out claims which are clearly not meritorious. In the most obvious case, it has proved helpful where the company complained against is not the correct defendant. This has happened on several occasions in our experience. In other instances, complaints have involved matters which are not within the jurisdiction of the Commission. It makes little sense for a matter such as this to proceed to hearing.

If there is a problem, we believe it is that complaints have been placed on the Commission's agenda as action items within days of the time that they have been received by the Commission. A sore useful procedure, we believe, would be for the complaint to be sent to the company, and for the company to be given 20 days within which to settle the complaint, prior to the case being on the agenda. If the complaint cannot be settled, the case should then be put on the agenda, and if probable cause is found. The

January 7, 2000 Page 2

case should then be set down for hearing. In this fashion, the company will first have the opportunity to resolve the case before the matter is sent to hearing and the positions of the parties are potentially polarized.

In conclusion, it will probably take an amendment to accomplish what we have proposed. However, an amendment giving the company 20 days within which to settle the complaint prior to putting to on the agenda for a probable cause hearing should cut down the length of the Commission's agendas and encourage prompt

Yours truly,

MAY, ADAM, GERDES & THOMPSON LIP

NEIL FULTON

NF:mw

cc: Jim Wilcox

RM99-002

MAY, ADAM, GERDES & THOMPSON LLP

503 SOUTH PIERRE STREET P.O.BOX 160

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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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

HE: JANUARY 2000 RULES HEARING

Chairman Burg and Commissioners Schoenfelder and Nelson:

Please accept these comments on behalf of MCI WorldCom concerning the proposed rules changes which have been noticed for hearing in Room 468, State Capitol, on January 10, 2000, at 9:00 a.m.

MCI WorldCom has no objection to the rules changes dealing with the content of applications for certificates of authority. Also MCI WorldCom has no position on the deletions in the rules dealing with bills provided to customers for electric and gas service.

Nowever, the proposed amendments to ARSD 20:10:01:09 and 20:10:01:11.01 would eliminate the probable cause determination now made by the Commission on consumer complaints. We believe that the probable cause requirement provides a good vehicle to weed out claims which are clearly not meritorious. In the most obvious case, it has proved helpful when the company complained against was not the correct defendant. In our experience, this has happened on several occasions. In other instances, complaints have involved matters which are not within the jurisdiction of the Commission. It makes little sense for such matters to proceed to hearing.

If there is a problem with the current procedures, we believe it is that complaints have been placed on the Commission's agenda as action items within days of the time they were received by the Commission. Often, this does not leave parties enough time to appropriately research the facts. A more useful procedure would be for the complaint to be sent to the company, and for the company to be given 20 days within which to settle the complaint prior to the case being on the agenda. If the complaint cannot be settled, the case should then be put on the agenda, and if probable cause is found, the case should then be set down for

January 7, 2000 Page 2

hearing. In this fashion, the company will first have the opportunity to settle the case before the positions of the parties are polarized.

In conclusion, it will probably take an amendment to accomplish what we have proposed. However, an amendment giving the company 20 days within which to settle the complaint prior to putting it on the agenda for a probable cause hearing should cut down the length of the Commission's agendas and encourage prompt settlements.

Yours truly,

MAY, ADAM, GERDES & THOMPSON LLP

NEIL FULTON

NF: mw

cc: Michel Murray, MCI WorldCom

County of Brookings

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Christina Nelson of said county, first duly sworn, on cath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed in the office maintained at said place of publication; and that the

Legal #868 Jan 10 Public Hearing in Pierre

December 17, 1999

That the full amount of the fee charged for the publication of said Exhibit "A" inures to the sole benefit to the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Two hundred three dollars and four cents \$203.04

Chartma Dallam

Subscribed and swom to before me this

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Notary Public in and for the County of Brookings, South Dakota. My Commission expires January 28, 2005.

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PUBLIC UTILITIES COMMISSION NOTICE OF PUBLIC HEARING TO AD

A public hearing will be held in Room 468, fourth face, state Capitol, Pierre, South Dakota, on January 10, 2000, in 2000 and to consider the adoption and amendment of proposed rules assisted 29:10:01:09. 20:10:01:11.01. 20:10:17:01. 20:10:14:11 ==1 20:10:32:03

... The effects of the proposed rules changes are at this east In section 20: 10:01:09, the language which is respond respond that the Public Utilities Commission first find probable cases of an unlawful or unreasonable act, rate, practice, or emission on the parof a utility when a complaint is made against that utility and faller the matter proceeds to a learing. With the removal of the language once a complaint is filed, the Public Utilities Commission week then forward it to the utility which has twenty days in survey a see then, if it remains unresolved, it would preceed to broken

In section 20:10:01:11.01, consistent with the proposed charge in section 20:10:01:09, the defense of their being no probable was of an unlawful or unreasonable act, rate, practice, or trustion to the part of a utility is removed from defenses a utility many masses entires in its enswer or by a motion to dismiss. In other a trade, walt the removal of the necessity that the Public Utilities Commission feet that there is probable cause for a complaint to morn feward. The modification removes it as a defense which may be asserted bases in the complaint proceedings.

In section 20:10:17:03, all of subsection (11) is transposed where is a statement on the bill from a ray or electric utility to a consequent that the customer is responsible for payment of all charges for some vice rendered. Further, the last paragraph of this rection is asset free to remove approval by the Public Utilities Commission of adverse ing which may be included with a customer's bill.

In section 20:10:24:02(8) this modification against their the current financial statements of the applicant must be furnished as the Public Utilities Commission in applications for pertificates of authority for interexchange service.

In section 20:10:32:03(8), an applicant for a performance authority for local exchange service would be able to be used able to a map or a narrative description of the accorragate are a supported to serve as opposed to present language which requires a map are a narrative description.

In section 20:10:32:03(11)(a), timilar to the change is section 20:10:24:02(8), an applicant for a certificate of authority for level exchange service must furnish its financial statements to the Public Utilities Commission.

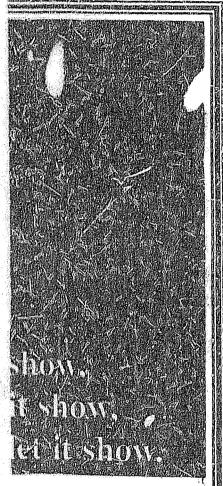
The reasons for the proposed rules are to arrearable regulation procedures and simplify billings by the and electric of lines.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do to by appearing in present at the hearing or by sending there to the South Different Paint Utilities Commission, State Capital, 500 East Capital, Plante, June Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission by January 21, 2000, to be considered.

After the licaring, the Commission will consider all whom we oral comments it receives on the proposed rules. The General service may modify or amend a proposed rule at that time to buckets or exclude matters that are described in this nessee.

Notice is further given to individuals with disabilities that the hearing is being held in a physically accessible place. Please nearly the Public Utilities Commission at least 48 bours before the 2006. hearing if you have special series for which special measurement must be made. The telephone number for making special treasure. ments is (605) 773-3201.

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We welcome all credit cards.

322 5th St., Brookings 692-4623 9:10:32:03 - AND THE PROPERTY OF THE PROPERTY

The effects of the proposed rules changes are as follows:
In section 20:10:01:09, the language which is removed required that the Public Utilities Commission first find probable cause of an unlawful or unreasonable act, rate, practice, or omission on the part of a utility when a complaint is made against that utility and before the matter proceeds to a hearing. With the removal of that language, once a complaint is filed, the Public Utilities Commission would then forward it to the utility which has twenty days to enswer it and then, if it remains unresolved, it would proceed to hearing.

In section 20:10:01:11.01, consistent with the proposed change in section 20:10:01:09, the defense of there being no probable cause of an unlawful or unreasonable act, rate, practice, or omission on the part of a utility is removed from defenses a utility may assert either in its answer or by a motion to dismiss. In other words, with the removal of the necessity that the Public Utilities Commission final that there is probable cause for a complaint to move forward, this modification removes it as a defense which may be asserted later in the complaint proceedings.

In section 20:10:17:03, all of subsection (11) is reserved which is a statement on the bill from a gas or electric utility in a customer that the customer is responsible for payment of all charges for service rendered. Further, the last paragraph of this section is modified to remove approval by the Public Utilities Commission of advertising which may be included with a customer's bill.

In section 20:10:24:02(8) this modification specifies that the current financial statements of the applicant must be frantished to the Public Utilities Commission in applications for certificates of authority for interexchange service.

In section 20:10:32:03(8), an applicant for a certificate of authority for local exchange service would be able to furnish either a map or a narrative description of the geographic area it intensis to serve as opposed to present language which requires a map and a narrative description.

In section 20:10:32:03(11)(a), similar to that change is section 20:10:24:02(8), an applicant for a cortificate of maleority for local exchange service must furnish its financial statements to the Public Utilities Commission.

The reasons for the proposed rules are to streamline required y procedures and simplify billings by gas and chatch within

Persons interested in presenting data, opinions, and agreement for or against the proposed rules may do so by appearing a person at the hearing or by sending them to the Senta Datase Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5070. Material sent by most mast much the Public Utilities Commission by January 21, 2000, 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 the time to include or exclude matters that are described in this motion.

Notice is further given to individuals with the value of the their hearing is being held in a physically accessible place. Please mostly the Public Unities Commission at least 44 hours before the public hearing if you have special needs for which special presentations must be made. The telephone number for making special arrange ments 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 57501-5076

The proposed rules may also be found on the Public Unities. Commission's home page at the following address impeliation state and resigner.

Affidavit of Publication

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

Billy T. Masterson, Jr. of said County and State being first duly sworn, on his oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Billy T. Masterson, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and That I, Billy T. Masterson, Jr., the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

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3x8 "deplay advertisencest" Notice of Public Hearing
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a printed copy of which is hereto attached, was printed and published
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BLACK HILLS PIONEER, that no agreement or understanding for a
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thereof has been agreed to be paid to any other person whomsoever.
Subscribed and sworn to before me this 15 1/1 day of Dec, 19 99
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My commission expires: 10-24-2004

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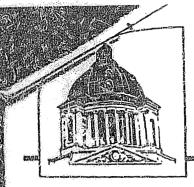
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AFFIDAVIT C

State of South Dakota, County of Hugh
oath, says: That he she is the publis Capital Journal, a daily newspaper prof Hughes and State of South Dakota; of the facts herein stated, that said is SDCL 17-2-2.1 through 17-2-2.4 inclinated within the said County of Hugher year next prior to the first publication legal display advertisement headed Dotto of Public Heavier a printed copy of which, taken from the and which is hereto attached and many control of the said which is hereto attached and many control of the said which is hereto attached and many control of the said which is hereto attached and many control of the said which is hereto attached and many control of the said which is hereto attached and many control of the said which is hereto attached and many control of the said which is hereto attached and many control of the said which is hereto attached and many control of the said which is hereto attached and many control of the said which is hereto attached and many control of the said which is hereto attached and many control of the said which is hereto attached and many control of the said country of t
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subscribed and sworn to before me this

Notary Public in and for the County of My Commission expires _

Public Utilities Commissius Notice of Public Hearing to Adopt Hales

A public bearing will be held in Rassa 464, feeds few Pierre, South Dakuta, on Immary 10, 2007, at \$ 00 up. Sealer the terretures taken besigning to humbicant bria membered

20:10:01:09, 20:10:01:11:01, 20:10:17:01, 20:10:24 (2) 24

The effects of the proposed rules charges see as follows:

In section 20:10:01:09, the improper which is recovered weather their the Public Unlines Commission for finel professor to the influence of or unreligiously act, stall practice, or compains to the part of special when a complaint is made against that stilling and before the power one coods to a bearing. With the removes of that language, once a complision is filed, the Public Utilities Commission would have forward it to the utility which has twenty days to maker it and them to a sereach with solved, it would proceed to hearing.

In section 20:10:01:11:01, consistent with the improved theses in we tion 20:10:01:00, the defense of there being to probable have of the valeviul or apresionable and the privates, or anisonal curie paint of a while is removed from defenies a mility may make alless in his meson's or by a mexical to diamete. In when words, with the recognitive the three-sec. sity that the Public Cultures Commissions first that there is problem a cause for a consisting to learn forward, this madefination reserves a sea defense which may be inserted bear to the complains presimilar.

In section ID:10:1763, all of releasion (11) is received which is a statement on the bill from a par or electric solity to a corresponding that the composed is preparable for payment of all observe his service composed. Continer, the look paragraph of their engines to reside and an objective appropria by the Public Unities Commission of advertising which may be become cti with a consumer's bitt.

In sociate 30 10 14 12 (1), this applification resolves that the property Connected expressments of this applications moved by formalished as the Polyte-Utilates Constitues is applications for constituent of material in interclosings merke.

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Mars for hearing, son Commission will executive all written and the CONSTRUCT IN THE OWNERS ON THE PERSONNEL PARTY THE PROPERTY OF THE PERSON WAS ify or extremely a paragreement rule as show bound as one can be an excellence from the those may become thread for their decision.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

M	THE	MATTER	OF	THE	ESTABLISHMENT	þ	MINUTES OF PUBLIC
OF	HEV	ISED RUI	ES)	HEARING
)	RM99-002

The Public Utilities Commission convened the public hearing at 9:00 a.m. on Monday, January 10, 2000, in Room 464, Fourth Floor, State Capitol, Pierre, South Dakota

The purpose of the meeting was to conduct a public hearing on the proposed rules of the Commission numbered ARSD 20:10:01:09, 20:10:01:11:01, 20:10:17:03, 20:10:24:02 and 20:10:32:03.

Members of the Commission in Attendance: Commissioners Jim Burg and Laska Schoenfelder; Commission Advisors Rolayne Wiest and Greg Rislov; Commission Staff: Wilchele Farris, David Jacobson, Keith Senger, Heather Forney, Camron Hoseck and William Bullard, Jr.

Others in Attendance: Rich Coit, SDITC and Colleen Sevold, U.S. WEST Communications, Inc.

Written comments were received prior to the hearing, on January 7, 2000, from Neil Fulton on behalf of Northern States Power Company and MCI WorldCom.

Oral Testimony

SDITC represented by Rich Coit addressed rules 20:10:01:09 and 20:10:01:11:01. While agreeing that the probable cause determination process was cumbersome, Mr. Coit expressed concerns over what attempts would be made to informally resolve complaints. He further voiced concern over processes to be used by the Commission in determining the merit of a complaint. Finally, Mr. Coit sought clarification of the amendment to 20:10:01:11:01 where failure to show probable cause is removed as a defense to it complaint.

US WEST Communications, Inc., represented by Colleen Sevold, addressed the changes in the probable cause determination in the same rules as Mr. Coit. She stated that the probable cause process has never worked well for US WEST Communications, Inc. The process goes into the merits of a complaint rapidly and US WEST Communications, Inc. cannot always obtain sufficient facts prior to the time of the determination of probable cause.

Physical ware received at the hearing concerning proposed rule changes in rules: 25 ± 0 17 03, 26 10 24:02 and 20:10:32:03

Pastanting submitted,

Curven Hoseck Start Alterney

Figure Unities Commission

KIN99-002



JAN 21 223

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

MidAmerican Energy Company One RiverCenter P 106 East Second 1 PO. Box 4350 Davenport, Iowa 52808 319 333-8006 Telephone 319 333-8021 Facsimile

Karen M. Huizenga Attornev

January 20, 2000

By UPS Overnight

William Bullard
Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

Re: Proposed Amendment of Rules

Dear Mr. Bullard:

Enclosed for filing are an original and ten copies of MidAmerican Energy Company's Comments concerning proposed amendments to Sections 20:10:01:09, 20:10:01:11:01, 20:10:17:03, 20:10:24:02 and 20:10:32:03 of ARSD Article 20.10.

The opportunity to provide written comments is appreciated.

Sincerely,

KMH-cki Encl.

SOUTH DAKOTA

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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

PUBLIC UTILITIES COMMISSION

Re: PROPOSED)	
RULE CHANGES)	
20:10:01:09, 20:10:01:11.01,	
20:10:17:03, 20:10:24:02	
and 20:10:32:03	
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COMMENTS OF MIDAMERICAN ENERGY COMPANY

1. Proposed changes to §20:10:01:09 and §20:10:01:11.01. MidAmerican Energy Company (MidAmerican) does not oppose the proposed changes to these two rules, agreeing that the changes should help streamline the regulatory process. However, this change will likely result in a greater emphasis on the informal resolution process required by §20:10:01:08.01. MidAmerican is aware that even now the great majority of complaints are resolved during the informal process. However, MidAmerican would request the Commission consider a modification to §20:10:01:08.01 that could add further efficiency to the informal process. For ease of review, MidAmerican sets forth that rule below with the modification proposed in bold type:

20:10:01:08:01. Commission action on complaints. Upon the filing of a complaint, the commission shall attempt to settle the complaint without formal action. If the complaint cannot be properly disposed of informally, the commission shall proceed in accordance with the provisions of \$20:10:01:09. The Commission shall have the authority to request additional information needed to resolve the complaint from either party. If the commission believes the complaint does not conform to this chapter, it shall so notify the complainant or the complainant's attorney, and opportunity shall be given to amend the complaint within a time specified by the commission. If the complaint is not amended within such time, or such extension thereof as the commission for good cause shown

may gram, it shall be dismissed. If the complaint is not dismissed the Commission shall issue a proposed resolution of the complaint upon receipt of all necessary information from the parties. If a party is dissatisfied with the proposed resolution, a request for formal proceedings may be made and the matter will proceed in accordance with the provisions of \$20:10:01:09.

- Proposed changes to §20:10:17:03. MidAmerican agrees with the proposed changes to simplify billings.

Respectfully submitted,

MIDAMERICAN ENERGY COMPANY

By

Karen M. Huizengá

/ Attorney

MidAmerican Energy Company

One RiverCenter Place

106 East Second Street

P.O. Box 4350

Davenport, Iowa 52808

319/333-8006 (Voice)

319/333-8021 (Facsimile)

kmhuizenga@midamerican.com

A THE MATTER OF THE PROMET GATION OF ASSESSMENT PATIVE DULES

AFFIDAVIT

Delaine Kolbo, hereby certify that on February 3, 2000, I mailed a full, true, and the copy of the following rules adopted by the Public Utilities Commission on February 2 (ACE) together with a copy of the minutes of the public hearing and written comments, to the manufacts of the Interim Rules Review Committee, listed below, at their respective test office addresses

Proposed revised rules: §§ 20:10:01:09, 20:10:01:11.01, 20:10:17:03, 20:10:24-02 and 20:10:32:03.

The Honorable Jerry Shoener, Chair Grate Secution Street Rapid City, SD 57702-0252

The higherable Enc Bogue State Senator P. O. Box 490 Oxores, SO 57523-0400

The Hospitable H. Faul Dennert State Section 11863-391st Avenue Columbia, SD 57433-7002

Schrichbed and sworn to before me this 3rd day of February, 2000.

Housey Public - South Dakota

(BEAL)

My Commission Expires

CHAPCS HORDER HOSING PLASS AND CONTRACTOR STREET AND 18, 1805 The Henorable Orville Smidt, Vice Chair State Representative 117 Fourth Street Brookings, SD 57006-1915

The Honorable William Cerny State Representative Route 1, Box 2 Burke, SD 57523-9505

The Honorable Matthew Michels State Representative 1213 Walnut Street Yankton, SD 57078

une Leeko

Balaina Kalha

IN THE MATTER OF THE PROMULGATION OF ADMINISTRATIVE RULES

APPROVAL OF RULES

FORMARI, public hearing held on January 10, 2000, the following rules are approved and will become effective twenty days after filing with the Secretary of State.

Proposed revised rules: §§ 20:10:01:09, 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03.

Data Ziding Z, 2000

PUBLIC UTILITIES COMMISSION

James'A Burg, Chairman

Fum Neison Commissioner

Lasks Schonofeder, Commissioner

Date <u>2/8/01</u>

LEGISLATIVE RESEARCH COUNCIL (for legality and for form and style)

In at the inverse of complaint. If the commission believes that the practice of a unique of a unique of a unique of the unique of the respondent a statement of the commission shall forward to the respondent a statement of the complaint or answer it in the days from the date of service of the notice or within such further time and the specifical by the commission.

Source: St. 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 12, 5134, 155, effective July 1, 1986.

Gararal Authority: SDCL 49-1-11(2), 49-34A-4(6).

Law implemented: SCCL 49-1-11(2), 49-13-1, 49-34A-4(6).

Cross Aristence: Manner of service, § 20:10:01:22.03.

The defense that the complainant

with the approximation of sufficient reason for making a complaint, that the complainant

with the complaint of that a complaint fails to show probable

where the option of the respondent. All other defenses to the complaint shall be

answer as the option of the respondent. All other defenses to the complaint shall be

answer as the option of the respondent of the motion to dismiss or answer,

answer as the option of service of a copy thereof on the complainant shall be filed with

the complaint and may also contain a statement of new matters

the complaint and may also contain a statement of new matters

and afficient to enable the respondent to answer an allegation of the complaint, the

the complaint the answer and place a denial upon that ground.

2 SOR S6, effective February 2, 1976; transferred from § 20:10:14:15

General Authority: SDCL 49-1-11(2), 49-34A-4(6).

Law implemented: SDCL 49-1-11(2), 49-13-1, 49-34A-4(6).

Cross-Refurence: Service of complaint, § 20:10:01:09.

10 10 17:03. Information on bills. Bills provided to customers for electric and

- (1) The meter reading and the date the meter was read;
- (1) The number and kinds of units metered;
- (1) toximification of the applicable rate schedule;
- (6) The amount of the bill;
- 15) The date on which the bill will become delinquent;
- (8) The late lee, if applicable;
- (1) The date on which payment must be made in order to avoid the late fee, if
- (f) If an estimated bill, clear and conspicuous language identifying the bill as an
 - (ii) Tax, fuel, or power adjustment clause separately itemized, if applicable; and
- (10) A statement that customer information is available upon request and where
- (1) A deserver that the customer is responsible for payment of all sharges for

The bill sent to the customer shall include only information related to the sent and advertising-approved by the commission.

\$600000: 3 SDR 2, effective July 19, 1976; 12 SDR 86, effective November 24, 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-34A-4(3)(14).

Law Implemented: SDCL 49-34A-3, 49-34A-4(3)(14), 49-34A-27.

20:10:24:02. Cartificate of authority for interexchange service — Application requirements. Each telecommunications company required to apply for a certificate of authority with the commission pursuant to SDCL 49-31-3 for interexchange service shall provide the following information with the company's application unless the commission grants a waiver to pmit a specific item of information:

- (1) The name, address, and telephone number of the applicant;
- (2) The name under which the applicant will provide these services if different than in subdivision (1) of this section;
 - (3) If the applicant is a corporation:
- (a) The state in which it is incorporated, the date of incorporation, and a copy of its certificate of incorporation or, if it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the Secretary of State;
- (b) The location of its principal office, if any, in this state and the name and address of its current registered agent; and
- (c) The name and address of each corporation, association, partnership, cooperative, or individual holding a 20 percent or greater ownership or management

interest in the applicant corporation and the amount and character of the ownership or

- (4) If the applicant is a partnership, the name, title, and business address of each seatner, both general and limited;
- (5) A description of the telecommunications services the applicant intends to
- (6) A detailed statement of the means by which the applicant will provide its
- (/) The geographic areas in which the services will be offered or a map describing the service area;
- (8) Current financial statements of the applicant including a balance sheet,
 who elatement, and cash flow statement; a copy of the applicant's latest annual
 reserve a copy of the applicant's report to stockholders; and a copy of applicant's tariff
 with the terms and conditions of service;
- (9) The names, addresses, telephone number, fax number, E-mail address, and two free number of the applicant's representatives to whom all inquiries must be made regarding complaints and regulatory matters and a description of how the applicant hundles customer billings and customer service matters;
- (10) A list of the states in which the applicant is registered or certified to provide the communications services, whether the applicant has ever been denied registration to confidential in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency.

in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable;

- (11) A description of how the applicant intends to market its services, its target market, whether the applicant engages in any multilevel marketing, and copies of any company brochures used to assist in the sale of services;
- (12) Cost support for rates shown in the company's tariff for all noncompetitive or emerging competitive services;
 - (13) Federal tax identification number;
- (14) The number and nature of complaints filed against the applicant with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;
- (15) A written request for waiver of those rules the applicant believes to be inapplicable; and
- (16) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the interexchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (2), (7), and (9) and subsection (3)(b) of this section as they occur. If a company revises its tariff, the revised thriff sheets shall be provided to the commission.

Source: 16 SDR 106, effective December 27, 1989; 21 SDR 81, effective November 3, 1994; 22 SDR 107, effective February 18, 1996; 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3.

20:10:32:03. Certificate of authority for local exchange service -
Application requirements. A telecommunications company required to apply for a

certificate of authority for local exchange services from the commission shall submit a

written application and provide the following information unless the commission grants a

waiver to omit a specific item of information:

- (1) The applicant's name, address, telephone number, facsimile number, E-mail address, and whether the applicant is a sole proprietorship, partnership, corporation, limited liability corporation, or limited liability partnership;
- (2) If a sole proprietorship, the full name and business address of its owner; if a partnership, the full name and business address of each partner; if a corporation, a listing of the full name and business address of each corporate officer and director; if a limited liability corporation, the full name and business address of each member; or, if a limited liability partnership, the full name and business address of each partner;
- (3) The name under which applicant will provide local exchange services if different than in subdivision (1) of this section;
 - (4) If a corporation:
- (a) The location of its principal office, if any, in this state and the name and address of its current registered agent;

- (b) A list of shareholders owning twenty percent or more of the interest in the
- (c) The state in which the applicant is incorporated, the date of incorporation, and a copy of its certificate of incorporation; and
- (d) If it is an out-of-state corporation, a copy of its certificate of authority to
- (5) A description of the applicant's experience providing any telecommunications services in South Dakota or in other jurisdictions, including the types of services provided, and the dates and nature of state or federal authorization to provide the services.
- (6) Names and addresses of applicant's affiliates, subsidiaries, and parent organizations, if any;
- (7) A list and specific description of the types of services the applicant seeks to offer and the means by which the services will be provided including:
- (a) Information indicating the classes of customers the applicant intends to serve.
- (b) Information indicating the extent to and time-frame by which applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale;
- (c) A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers; and
- (d) Information identifying the types of services it seeks authority to provide by reference to the general nature of the service;

- (8) A service area map-and or narrative description indicating with particularity the geographic area proposed to be served by the applicant;
- (9) Information regarding the technical competence of the applicant to provide its proposed local exchange services including:
- (a) A description of the education and experience of the applicant's management personnel who will oversee the proposed local exchange services; and
- (b) Information regarding policies, personnel, or arrangements made by the applicant which demonstrates the applicant's ability to respond to customer complaints and inquiries promptly and to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements;
- (10) Information explaining how the applicant will provide customers with access to emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services;
 - (11) Financial information including:
- (a) For the most recent 12 month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements, and
- (b) If a public corporation, the applicant's latest annual report and report to stockholders;
- (12) Information detailing the following matters associated with interconnection to provide proposed local exchange services:
- (a) The identity of all local exchange carriers with which the applicant plans to interconnect;

- to the imply timing of initiation of Interconnection service and a statement as a way to be to interconnection started or when negotiations are likely to
- A copy of any request for interconnection made by the applicant to any
- (13) is tariff or price list indicating the prices, terms, and conditions of each
- * 14 Cost support for rates shown in the company's tariff or price list for rate or the support for rates of emerging competitive services;
- A description of how the applicant intends to market its local exchange

 *** target market, whether the applicant engages in multilevel marketing, and

 **** target market brochures that will be used to assist in sale of the services;
- (10) If the applicant is seeking authority to provide local exchange service in the service area of a must telephone company, the date by which the applicant expects to reservice obligations imposed pursuant to § 20:10:32:15 and applicant's plans are recated the service obligations;
- (17) A list of the states in which the applicant is registered or certified to provide second measures services, whether the applicant has ever been denied registration in any state and the reasons for any such denial, a statement as to whether me that the applicant is in good standing with the appropriate regulatory agency states where it is registered or certified, and a detailed explanation of why the

- (19) The names, addresses, telephone numbers, E-mail addresses, and the applicant's representatives to whom all inquiries must be made the applicant complaints and other regulatory matters;
- (15) Information concerning how the applicant plans to bill and collect charges.
- (20) information concerning the applicant's policies relating to solicitation of new constraints and a description of the efforts the applicant shall use to prevent the language switching of local service customers by the applicant, its employees, or
- (21) The number and nature of complaints filed against the applicant with any state or federal commission regarding the unauthorized switching of a customer's leaderal commissions provider and the act of charging customers for services that have the contered.
 - (22) A written request for waiver of those rules believed to be inapplicable;
 - (23) Federal tax identification number; and
- (24) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the local exchange services it intends to offer consistent with the requirements of this applies and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company that commission of any changes in subdivisions (1), (3), (13), and (18) and subsection (4)(a) of this section as they occur. However, a telecommunications

to the cost support information and its tariffs shall be filed for informational

Source: 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-69, 49-31-76.

A THE MATTER OF THE PROMERCATION OF ACMESCATION OF BUILDES

CERTIFICATE

Linear A florg horeby certify that I am a duly appointed member and the duly second that the Public Milities Commission and that the attached instruments are full, who have sopies of the following rules adopted by the Public Utilities Commission of the following rules adopted by the Public Utilities Commission of the following rules adopted by the Public Utilities Commission of the following rules adopted by the Public Utilities Commission of the following rules adopted by the Public Utilities Commission of the following rules adopted by the Public Utilities Commission of the following rules adopted by the Public Utilities Commission and that the attached instruments are full, which is the following rules adopted by the Public Utilities Commission and that the attached instruments are full, which is the following rules adopted by the Public Utilities Commission and that the attached instruments are full, which is the following rules adopted by the Public Utilities Commission and the full of the following rules adopted by the Public Utilities Commission and the full of t

* Lighter contry that SDC1. 1-26-4 and 1-26-6 were complied with in the adoption of the same rules will become effective twenty days after filing with the Secretary of these

James A. Burg, Chairman Public Utilities Commission

Substribut and sworn to tacken marries 15 m day of February 2000

Heimy Freder - Sound Dakota

(SA AL

Hig Commission Expires

Capital of SECT. Theres fully Soc Capital Scales Sing. 15, 1995

Эторобураны сырыны намеры эт^ы эксприя**сыны**

Filed this 16 day of Jellywary on 00

SECRETAIN OF STATE

IN THE MATTER OF THE PHOMALICATION OF ADMINISTRATIVE RULES

APPROVAL OF RULES

i ollowing public hearing held on January 10, 2000, the following rules are approved and become effective twenty days after filing with the Secretary of State.

Proposed revised rules: §§ 20:10:01:09, 20:10:01:11.01, 20:10:17:03, 20:10:24.02 and 20:10:32:03.

Date 72/124 2, 2000

PUBLIC LITILITIES COMMISSION

j

Martins A. Burg, Chairman

Pam Nylson, Commussioner

Latin Schoolspiler, Corpinissioner

)ate <u>2∫8</u>

LEGISLATIVE RESEARCH COUNCIL (for legality and for form and style)

20:10:01:09. Service of complaint. If the commission believes that the complaint shows probable cause of an unlawful or unreasonable act, rate, practice, or complaint and a notice requiring the respondent to satisfy the complaint or answer it in writing within 20 days from the date of service of the notice or within such further time way be specified by the commission.

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11(2), 49-34A-4(6).

Law Implemented: SDCL 49-1-11(2), 49-13-1, 49-34A-4(6).

Gross-Reference: Manner of service, § 20:10:01:22.03.

20:10:01:11.01. Defenses to complaint. The defense that the complainant does not have a good or sufficient reason for making a complaint, that the complainant is without standing to make the complaint, or that a complaint fails to show probable or otherwise fails to conform to this chapter, may be raised by motion to dismiss or snewer, at the option of the respondent. All other defenses to the complaint shall be missed by snewer. An original and three copies of the motion to dismiss or answer, accompanied by proof of service of a copy thereof on the complainant shall be filed with the commission. The answer shall specifically admit or specifically deny material dispations of the complaint and may also contain a statement of new matters constituting an affirmative defense. If the respondent has no information or belief on the subject sufficient to enable the respondent to answer an allegation of the complaint, the respondent may so state in the answer and place a denial upon that ground.

Source: 2 SOR 56, effective February 2, 1976; transferred from § 20:10:14:15, 12 SDR 155, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1985; 12 SDR

General Authority: SDCL 49-1-11(2), 49-34A-4(6).

Law Implemented: SDCL 49-1-11(2), 49-13-1, 49-34A-4(6).

Cross Reference: Service of complaint, § 20:10:01:09.

20:10:17:03. Information on bills. Bills provided to customers for electric and

- (1) The meter reading and the date the meter was read;
- (2) The number and kinds of units metered;
- (3) toentification of the applicable rate schedule;
- (4) The amount of the bill;
- (5) The date on which the bill will become delinquent;
- (b) The late fee, if applicable;
- (7) The date on which payment must be made in order to avoid the late fee, if
- (a) it an estimated bill, clear and conspicuous language identifying the bill as an assumated bill.
 - (9) Tax, fuel, or power adjustment clause separately itemized, if applicable; and
- (10) A statement that customer information is available upon request and where a can be obtained.
- (14) it uses ment that the customer is responsible for payment of all charges for

The bill sent to the customer shall include only information related to the customer's account and advertising-approved by the commission.

Source: 3 SDR 2, effective July 19, 1976; 12 SDR 86, effective November 24, 1935; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-34A-4(3)(14).

Law Implemented: SDCL 49-34A-3, 49-34A-4(3)(14), 49-34A-27.

20:10:24:02. Certificate of authority for interexchange service — Application requirements. Each telecommunications company required to apply for a certificate of authority with the commission pursuant to SDCL 49-31-3 for interexchange service shall provide the following information with the company's application unless the commission which a waiver to omit a specific item of information:

- (1) The name, address, and telephone number of the applicant;
- (2) The name under which the applicant will provide these services if different than in subdivision (1) of this section;
 - (3) If the applicant is a corporation:
- (a) The state in which it is incorporated, the date of incorporation, and a copy of its cortificate of incorporation or, if it is an out-of-state corporation, a copy of its cortificate of authority to transact business in South Dakota from the Secretary of State;
- (b) The location of its principal office, if any, in this state and the name and address of its current registered agent; and
- (c) The name and address of each corporation, association, partnership, occuperative, or individual holding a 20 percent or greater ownership or management

passed at the applicant corporation and the amount and character of the ownership or

- (4) If the applicant is a partnership, the name, title, and business address of each
- ्रिक्षेत्र के क्षेत्र स्थापन of the telecommunications services the applicant intends to
- (5) A detailed statement of the means by which the applicant will provide its
- (7) The geographic areas in which the services will be offered or a map
- (4) Current financial statements of the applicant including a balance sheet,

 where statement, and cosh flow statement; a copy of the applicant's latest annual

 report a copy of the applicant's report to stockholders; and a copy of applicant's tariff

 with the terms and conditions of service;
- (ii) The names, addresses, telephone number, fax number, E-mail address, and tree number of the applicant's representatives to whom all inquiries must be made required complaints and regulatory matters and a description of how the applicant handles customer billings and customer service matters;
- (10) A list of the states in which the applicant is registered or certified to provide the applicant has ever been denied registration as a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency

restates where it is registered or certified, and a detailed explanation of why the replacent is not in good standing in a given state, if applicable;

- (11) A description of how the applicant intends to market its services, its target market whether the applicant engages in any multilevel marketing, and copies of any target brochures used to assist in the sale of services;
- (12) Cost support for rates shown in the company's tariff for all noncompetitive or emerging competitive services;
 - (13) Federal tax identification number;
- (14) The number and nature of complaints filed against the applicant with any state or federal regulatory commission regarding the unauthorized switching of a tastomer's telecommunications provider and the act of charging customers for services that have not been ordered;
- (15) A written request for waiver of those rules the applicant believes to be imagnificable; and
- (16) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the interexchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company shall restify the commission of any changes in subdivisions (1), (2), (7), and (9) and subsection (3)(b) of this section as they occur. If a company revises its tariff, the revised built sheets shall be provided to the commission.

Mountair 3, 1994; 22 SDR 107, effective February 18, 1996; 25 SDR 89, effective December 27, 1988.

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3.

20:10:32:03. Certificate of authority for local exchange service –

Application requirements. A telecommunications company required to apply for a certificate of authority for local exchange services from the commission shall submit a written application and provide the following information unless the commission grants a waiver to omit a specific item of information:

- (1) The applicant's name, address, telephone number, facsimile number, E-mail without, and whether the applicant is a sole proprietorship, partnership, corporation, writted liability corporation, or limited liability partnership;
- (2) If a sole proprietorship, the full name and business address of its owner; if a partnership, the full name and business address of each partner; if a corporation, a business address of each corporate officer and director; if a business is builty corporation, the full name and business address of each member; or, if a based bability partnership, the full name and business address of each partner;
- (3) The name under which applicant will provide local exchange services if different than in subdivision (1) of this section;
 - (4) If a corporation:
- (a) The location of its principal office, if any, in this state and the name and address of its current registered agent;

- (b) A list of shareholders owning twenty percent or more of the interest in the
- (c) The state in which the applicant is incorporated, the date of incorporation, and a copy of its certificate of incorporation; and
- (d) If it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the secretary of state;
- (5) A description of the applicant's experience providing any telecommunications

 services in South Dakota or in other jurisdictions, including the types of services

 provided, and the dates and nature of state or federal authorization to provide the
- (6) Names and addresses of applicant's affiliates, subsidiaries, and parent conjunizations, if any;
- (7) A list and specific description of the types of services the applicant seeks to offer and the means by which the services will be provided including:
- (a) Information indicating the classes of customers the applicant intends to serve.
- (b) Information indicating the extent to and time-frame by which applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale;
- (c) A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers; and
- (d) Information identifying the types of services it seeks authority to provide by reference to the general nature of the service;

- (ii) A service area map and or narrative description indicating with particularity
- (9) Information regarding the technical competence of the applicant to provide its
- A description of the education and experience of the applicant's
- The second regarding policies, personnel, or arrangements made by the apparature with descriptions the apparature ability to respond to customer con plaints and equipment maintenance necessary to perform facility and equipment maintenance necessary to entered complaints with any currenssion quality of service requirements.
- (10) information explaining how the applicant will provide customers with access to unwagency services such as 911 or enhanced 911, operator services, interexchange services directory assistance, and teleconviruescations relay services.
 - (11) Furancial information including:
- (a) For the most recent 12 month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements; and
- (b) If a public corporation, the applicant's latest annual report and report to stockholders;
- (12) Information detailing the following matters associated with interconnection to provide proposed local exchange services:
- (a) The identity of all local exchange carriers with which the applicant plans to interconnect;

- (b) The likely timing of initiation of interconnection service and a statement as in when negotiations for interconnection started or when negotiations are likely to
- (c) A copy of any request for interconnection made by the applicant to any
- (13) A tariff or price list indicating the prices, terms, and conditions of each
- (14) Cost support for rates shown in the company's tariff or price list for rate or sequenced rencompetitive or emerging competitive services;
- (15) A description of how the applicant intends to market its local exchange services its target market, whether the applicant engages in multilevel marketing, and company brochures that will be used to assist in sale of the services;
- (15) If the applicant is seeking authority to provide local exchange service in the service area of a rural telephone company, the date by which the applicant expects to service obligations imposed pursuant to § 20:10:32:15 and applicant's plans for meeting the service obligations;
- (17) A list of the states in which the applicant is registered or certified to provide intercommunications services, whether the applicant has ever been denied registration or conflication in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable;

- (13) The names, addresses, telephone numbers, E-mail addresses, and facisimile numbers of the applicant's representatives to whom all inquiries must be made regarding customer complaints and other regulatory matters;
- (19) Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed local exchange services;
- (20) information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the amuthorized switching of local service customers by the applicant, its employees, or agonts:
- (21) The number and nature of complaints filed against the applicant with any state or federal commission regarding the unauthorized switching of a customer's federal communications provider and the act of charging customers for services that have not been ordered;
 - (22) A written request for waiver of those rules believed to be inapplicable;
 - (23) Federal tax identification number, and
- (24) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the local exchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (3), (13), and (18) and subsection (4)(a) of this section as they occur. However, a telecommunications

required to file cost support information and its tariffs shall be filed for informational purposes only.

Source: 25 SDR 69, effective December 27, 1998.

Gavacral Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-69, 49-31-76.



Legislative Research Council

Rest Remoth G. McNenny, Chair See Armold M. Brown, Vice Chair

Tvers C. Anderson, Director Legg Decker, Code Counsel

APR 0 3 2001

SOUTH DAKOTA PUBLIC UTILITIES CC MISSION



April 3, 2000

TO:

Rules Contacts

PROM:

Doug Decker, Code Counsel

W.

Rules Meeting

in order to facilitate the presentation of your rules to the interim Rules Review Committee at the meeting on April 19, 2000, please deliver eight copies of your rules in their current form to the Legislative Research Council no later than 5:00 p.m. on Monday, April 17, 2000.

Thank you for your cooperation in this matter. This procedure will expedite the presentation of your rules before the committee and give the committee members access to the best and most recent version of your rules.

The Attent of Hearth: Medical Services - critical access hospitals, standards of health, safety, and applications in nursing and assisted living centers; Adult Foster Care.

Ferzonnel: Career Service Commission - selection, recruitment, and promotion of career service employees.

December of Environment and Natural Resources – require public water systems to provide water spains reports to customers.

Sanutor Dunnert

of School and Public Lands – regulate exchanges of School and Public Lands with private

Commission – changes in concession/vendor, camping and exhibitor return dates and concession/vendor, camping and exhibitor return dates and concession/vendor, camping and exhibitor return dates.

<u>Constituent of Agriculture</u> - create a farm operating loan program and allow Value Added Finance Authority to set not worth requirements.

t Distribution

Labert

Representative Michels

Figure Dakous Gaming Commission – Dendwood gambling prohibit licensees from gambling at place of experiment; make alot machine rules consistent with current practices and procedures; make taking rules comply with model rules on racing; make pari-mutuel racing more secure.

Advancy Constrol - qualifications and training for certification of reserve law enforcement officers and reflect units.

<u>Construent of Commerce and Regulation: Appraiser Certification</u> – amend definitions, time limit for applications, exam approval time limit, experience requirements, time limit for qualifying socialism, update references, no refund for fees, anonymous complaint requirements, complaint requirements, complaints action, clarify temporary permit, instructors maintain course manual, education accorders use specified course.

Commerce and Regulation: Board of Podiatry – revise and clarify language, specify containing aducation requirements, increase application fees, update code of ethics, amend examination techniques.

<u>Department of Commerce and Regulation: Counselor Examiners</u> – establish late fee for annual issues renewal.

SALIDATION DENSITO

And Utilities Commission - streamline regulatory procedures, simplify billings by gas and electric utilities.

titudes Commission: One-Call Notification Board - clarify one-call notification procedures.

Extration and Cultural Affairs: Board of Education – special education and early intervention policies and procedures consistent with Individuals With Disabilities Education Act.

主义。非和

fault directives, adjournment

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To help a pencies estimate when to appear before the committee, the agenda is set assuming a tentral tentre prepentation per rule. However, actual times may vary.

The second second second Court, Representative Orvito Smidt, Vico Chair, Sensions Eric Bogue and H. Pzul Donnort; and Representatives William Cerry

with the second of the country to the Americans with Disabilities Act, should contact the Legislative Research Council (605/775-



the South Dakota Homenge (www.state.out.in) LRC section of the South Dakota Homenge (www.state.od.us).



Legislative Research Council

RULES REVIEW COMMITTEE MINUTES

RULES REVIEW COMMITTEE

Two Rundred Eleventh Mooting Washingday April 16, 2000 LCR 1 & 2 State Capitol Building Pierre, South Dakota

The two functions of the Rules Review Committee was called to order by Special Jerry Shoener at 9:00 a.m., April 19, 2000, in Legislative Conference Rooms 1 to the State Capitol, Pierre, South Dakota.

A program was determined with the following members answering the roll call: Senators Eric 200300 H Paul Dennett, and Jerry Shoener; and Representatives William Cerny and Orville 200300 Hopresentative Matthew Michels was unable to attend.

Staff manipers present included Doug Decker, Code Counsel, and Phyllis Petersen, Senior Legislatus Secretary.

As material districulated at the meeting is attached to the original minutes on file in the equation Research Council. For the purpose of continuity, these minutes are not measured in provincial order.

Approval of Minutes

Descript inoved, seconded by Representative Smidt, that the minutes of the Descript 14, 1999, meeting be approved as printed and mailed. Motion prevailed on a series with

Rules Reviewed

Commerce and Regulation: Electrical Commission – create more electrical respective to residential dwellings and noncommercial farmsteads.

We wan Negle orplained that the new rules were necessary because of a backlog of example impections. The Commission has hired five additional residential inspectors.

A section was made by Representative Cerny, seconded by Representative Smidt, to approve the supposed by the Electrical Commission. Motion prevailed on a voice vote.

Department of Commerce and Regulation: Division of Securities – licensing requirements for executions advisors and advisor representatives.

ter. Case Brappick summarized the changes in the Division of Securities rules.

A resident was mixing by Sanator Shoener, seconded by Senator Dennert, to app we the large Francist Parks rules. Motion prevailed on a voice vote.

Fernance Carour Service Commission – selection, recruitment, and promotion

the Bah Bahir explained the rules on selection and promotion of career service employees,

the Men Melian South Dakota State Employees Organization, presented the committee with a security comments and opinions in opposition to the career service rules (1)

A made was made by Sunator Shoener, seconded by Representative Smidt, to accept the

A residual was made by Senator Shoener, seconded by Representative Smidt, to appround the language of Parsonnel rules. Motion prevailed on a voice vote, with Senator Bogue voting no.

Comment of Environment and Natural Resources - require public water systems to

Jee Nadinecek and Mr. Darrin Busch summarized the rules relating to the water quality separate Begue requested a copy of the federal law on public water systems. The separate will provide each committee member with this information.

A mative was made by Senator Shoener, seconded by Senator Dennert, to approve the rules prove by the Department of Environment and Natural Resources.

Critice of School and Public Lands - regulate exchanges of School and Public Lands with

Commissioner Curt Johnson summarized the rules and said the exchanges are working

A MARGON WAS made by Representative Cerny, seconded by Representative Smidt, to approve the page 100 pages of the Office of School and Public Lands. Motion prevailed on a voice vote.

Engineers of Agriculture: State Fair Commission — changes in concession/vendor, servery and exhibitor contract/application return dates and concession/vendor, camping and execute return request or cancellation dates.

We representative from the State Fair Commission appeared to discuss the rules. They have twen that in the Secretary of State's Office.

A mestion was made by Senator Dennert, seconded by Representative Smidt, to approve the Sale Fair Commission rules. Motion prevailed on a voice vote.

News (与 语识) Power Suid S

Public Utilities Commission - streamline regulatory procedures, simplify billings by gas and

भेर होमें Euflard and Mr. Cameron Hosek summarized the rules changes.

A mattern was made by Representative Cerny, seconded by Senator Shoener, to approve the name proposed by the Public Utilities Commission. Motion prevailed on a voice vote.

Department of Education and Cultural Affairs: Board of Education – special education and carry intervention policies and procedures consistent with Individuals With Disabilities Education Act

Ma Oeb Barnett explained the changes in the special education rules, and Ms. Barb Hammelman summarized the early intervention rules.

A motion was made by Senator Dennert, seconded by Representative Cerny, to approve the rights proposed for the Department of Education and Cultural Affairs. Motion prevailed on a

Propresentative Smidt moved, seconded by Senator Bogue, that the committee adjourn.

The committee adjourned at 2:05 p.m.



** I resture the search Council committee minutes and agendas are available on the South Dakota Logistature's