CH/HB TC97-086 1097-086 DOCKET NO. In the Matter of IN THE MATTER OF THE FILING BY MIDSTATE TELEPHOHE COMPANY. INC. FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER Public Utilities Commission of the State of South Dakota DATE MEMORANDA deted, ilik Les for and Natice of Hearing, nection of Hearing hild an 11/19/97, dingof toll, Conclusions of Saw, Order and Natur of Entry of Buder, rexedent Clased dere and Link up Plan for treditate; shall be and an average of

W. MA. GANGLY+

South Dakota **Public Utilities Commission** State Capitol 500 E. Capitol Pierre, SD 57501-5070 Phone: (800) 332-1782

TELECOMMUNICATIONS SERVICE FILINGS

These are the telecommunications service filings that the Commission has received for the period of

06/13/97 through 06/19/97If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five days of this filing.

Fax:	(605)	773	-3	809
	10.44			

DOCKET NUMBER	TITLE/STAFF/SYNOPSIS	DATE FILED	
	REQUEST FOR CERTIFICATE OF AUTHORITY		
TC97-076	Application by Journey Telecom International, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/TZ)	06/13/97	07/07/97
TC97-091	Application by Calls for Less, Inc. d/b/a CfL for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/TZ) Applicant seeks authority to originate and terminate "intrastate, intraLATA and interLATA calls of business and residential customers, to operate as a Travel and Debit (Prepaid Caling) Card reseller, and to provide COCOT/COPT service."	06/17/97	07/07/97
TC97-103	Application by Crystal Communications, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/TZ) Applicant seeks authority to provide local telecommunications services and interexchange telecommunications services. The Applicant will not offer any local telecommunications services within a Rural Telephone Company service area without seeking separate Commission authority.	06/19/97	07/07/97
TC97-104	Application by Quintelco, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/TZ) Applicant "intends to subscribe to and resell all forms of inter-exchange and intra-exchange telecommunications services in the state of South Dakota, including local dial tone services. Message Telephone Service, Wide Area Telephone Service, WATS-like services, foreign exchange service, private lines, te lines, access service, cellular service, local switched service and other services and facilities of communications common carriers and othe entities."	06/19/97	07/07/97
	REQUEST FOR ELIGIBLE TELECOMMUNICATIONS COMPANY STATUS	3	
TC97-077	Intrastate Telephone Company, Inc. pursuant to 47 U.S.C. 214(e) and 47 CFR 54 201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Intrastate Telephone Company is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges in South Dakota. Bradley (784), Castlewood (793), Clark (532), Florence (758), Hayti (783), Lake Norden (785), Waubay (947), Webster (345), Willow Lake (625) and Bryant (628). Intrastate Telephone Company, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/KC)	06/13/97	07/07/97

TC97-078	Interstate Telecommunications Cooperative, Inc. pursuant to 47 U.S.C. 214(e) and 47 CFR 54 201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota Interstate Telecommunications Cooperative is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges in South Dakota. Goodwin (795), Clear Lake (874), Gary (272), Estelline (873), Brandt (876), Astoria (832), Toronto (794), West Hendricks (479), Elkton (542), White (629), Brookings Rural (693), Sinai (826), Nunda/Rutland (586), Wentworth (483) and Chester (489). Interstate Telecommunications Cooperative, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/KC)	06/13/97	07/07/97
TC97-080	West River Cooperative Telephone Company pursuant to 47 U.S.C. 214(e) and 47 CFR 54 201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. West River Telephone is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges. Bison (244), Buffalo (375), Camp Crook (605-797) and (406-972). Meadow (788) and Sorum (866) West River Telephone, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/KC)	05/16/97	07/07/97
TC97-081	Stateline Telecommunications, Inc. pursuant to 47 U.S.C. 214(e) and 47 CFR 54 201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Stateline is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges: Newell (456), Nisland (257) and Lemmon (605-374) and (701-376). Stateline, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/KC)	05/16/97	07/07/97
TC97-083	Accent Communications, Inc. pursuant to 47 U.S.C. 214(e) and 47 CFR 54 201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area. Accent is the facilities-based exchange carrier presently providing local exchange telecommunications services in the following exchanges. Bristol (492), Doland (635), Frederick (329), Hecla (994), North Hecla (701-992) and Mellette (887). Accent, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/CH)	06/17/97	07/07/97
TC97-084	James Valley Cooperative Telephone Company pursuant to 47 U.S.C. 214(e) and 47 CFR 54 201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. James Valley Cooperative Telephone Company is the facilities-based exchange carrier presently providing local exchange telecommunications services in the following exchanges in South Dakota. Andover (298). Claremont (294). Columbia (396). Conde (382), Ferney (395), Groton (397). Houghton (885) and Turton (897). James Valley Cooperative Telephone Company, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/CH)	06/17/97	07/07/97
TC97-085	Heartland Communications, Inc. pursuant to 47 U.S.C. 214(e) and 47 CFR 54 201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Heartland Communications is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges in South Dakota: Platte/Geddes (337). Heartland Communications, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/CH)	06/17/97	07/07/97

TC97-086	Midstate Telephone Company, Inc. pursuant to 47 U.S.C. 214(e) and 47 CFR 54 201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Midstate Telephone Company is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges in South Dakota: Academy (726), Delmont (779), Ft. Thompson (245), Gann Valley (293), Kimball (778), New Holland (243), Pukwana (894), Stickney (732) and White Lake (249). Midstate Telephone Company, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff, HB/CH)	06/17/97	07/07/97
TC97-087	Baltic Telecom Cooperative pursuant to 47 U.S.C. 214(e) and 47 CFR 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area. Baltic Telecom Cooperative is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges. Baltic (529) and Crooks (543). Baltic Telecom Cooperative, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HERGC)	06/17/97	07/07/97
TC97-088	East Plains Telecom, Inc. pursuant to 47 U.S.C. 214(e) and 47 CFR 54 201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area. East Plains Telecom, Inc. is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges: Alcester (934), Hudson (984), and East Hudson (712-982). East Plains Telecom, Inc., to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/KC)	06/17/97	07/07/97
TC97-089	Western Telephone Company pursuant to 47 U.S.C. 214(e) and 47 CFR 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Western Telephone is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges: Cresbard (324), Faulkton (598) and Orient (392). Western Telephone, to its knowledge, is the only carrier today providing local exchange areas. (Staff: HB/KC)	06/17/97	07/07/97
TC97-090	Stockholm-Strandburg Telephone Company pursuant to 47 U.S.C. 214(e) and 47 CFR 54 201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Stockholm is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges in South Dakota: Stockholm-Strandburg (676, Revillo (623) and South Shore (756). Stockholm, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas: (Staff: HB/KC)	06/17/97	07/07/97
TC97-092	Kennebec Telephone Co. pursuant to 47 U.S.C. 214(e) and 47 CFR 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Kennebec Telephone Co. is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges. Kennebec (869) and Presho (895). Kennebec Telephone Co., to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/CH)	06/18/97	07/07/97
TC97-093	Jefferson Telephone Co., Inc. pursuant to 47 U.S.C. 214(e) and 47 CFR 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Jefferson Telephone Co., Inc. is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchange: Jefferson (966). Jefferson Telephone Co., Inc., to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/CH)	06/18/97	07/07/97

PAGE 3 OF 6

TC97-094	Sully Buttes Telephone Cooperative, Inc. pursuant to 47 U.S.C. 214 (e) and 47 CFR 54 201 hereby seeks designation as an eligib/e telecommunications carrier within the local exchange areas that constitute its service area. Sully Buttes Telephone is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges: West Onida (264), Hitchcock (266), Seneca (436), Tolstoy (442), Onaka (447), Wessington (458), Langford (493), Rosholt (537), Tulare (596), Highmore (852), Harrold (875), Ree Heights (943), Hoven (948). Blunt (962) and East Onida (973) Sully Buttes Telephone, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/CH)	06/19/97	07/07/97
TC97-095	Venture Communications, Inc. pursuant to 47 U.S.C. 214(e) and 47 CFR 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area. Venture Communications is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges: Onida (258), Bowdle (285), Roscoe (287), Pierpont (325), Britton (448), Britton, ND (701-443), Roslyn (486), Wessington Springs (539), Selby (649), Gettysburg (765) and Lebanon (768). Venture Communications, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff, HB/CH)	06/19/97	07/07/97
TC97-096	SANCOM, Inc. pursuant to 47 U.S.C. 214(e) and 47 CFR 54 201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. SANCOM is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges in South Dakota. Wolsey (883), Parkston (928) and Tripp (935). SANCOM, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/CH)	06/19/97	07/07/97
TC97-097	Sanborn Telephone Cooperative pursuant to 47 U.S.C. 214(e) and 47 CFR 54 201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Sanborn Telephone is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges in South Dakota: Ethan (227), Mt Vernon (236), Letcher (248), Forestburg (495), Artesian (527), Woonsocket (796) and Alpena (849). Sanborn Telephone, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/CH)	06/19/97	07/07/97
TC97-098	Beresford Municipal Telephone Co. pursuant to 47 U.S.C. 214(e) and 47 CFR 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Beresford Tel. is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchange. Beresford (763). Beresford Tel., to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/KC)	06/19/97	07/07/97
TC97-099	Roberts County Telephone Cooperative Association pursuant to 47 U.S.C. 214(e) and 47 CFR 54 201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area. Roberts County Telephone Cooperative Association is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges: North New Effington, ND (701-634), New Effington (637) and Claire City (652). Roberts County Telephone Cooperative Association, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staft: HB/KC)	06/19/97	07/07/97

C97-100 RC Communications, Inc. pursuant to 47 U.S.C. 214(e) and 47 CFR 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area. RC Communications is the facilities- based local exchange carrier presently providing local exchange telecommunications services in the following exchanges. North Veblen, ND (701-634), Wilmot (938), Peever (932), Veblen (738) and Summit (398). RC Communications, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/KC)		06/19/97	07/07/97
TC97-101	Splitrock Properties, Inc. pursuant to 47 U.S.C. 214(e) and 47 CFR 54 201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Splitrock Properties, Inc. is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges in South Dakota: Howard/Carthage (772) and Oldham/Ramona (482). Splitrock Properties, Inc. to its knowledge, is the only communication providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/KC)	06/19/97	07/07/97
TC97-102	Splitrock Telecom Cooperative, Inc. pursuant to 47 U.S.C. 214(e) and 47 CFR 54 201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area. Splitrock Telecom Cooperative, Inc. is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges. Brandon (582) and Garretson (605-594) and (507-597). Splitrock Telecom Cooperative, Inc., to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/KC)	06/19/97	07/07/97
TC97-105	Tri-County Telecom, Inc. pursuant to 47 U.S.C. 214(e) and 47 CFR 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Tri-County Telecom, Inc. is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges in South Dakota: Clayton (825) and Emery (443). Tri-County Telecom, Inc., to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange areas. (Staff: HB/CH)	06/19/97	07/07/97
	FILING OF TYPE 1 PAGING AGREEMENT		
TC97-079	U S WEST Communications, Inc. filed for approval by the Commission the Type 1 Paging Agreement between KJAM Mobile Paging and U S WEST. "This Agreement was reached through voluntary negotiations without resort to mediation or arbitration and is submitted for approval pursuant to Section 252(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996KJAM Mobile Paging and U S WEST further request that the Commission approve this Agreement without a hearing and without allowing the intervention of other parties. Because this Agreement was reached through voluntary negotiations, it does not raise issues requiring a hearing and does not concern other parties not a part of the negotiations. Expeditious approval would further the public interest."	06/16/97	07/07/97
	NONCOMPETITIVE TELECOMMUNICATIONS FILINGS		
TC97-082	U S WEST Communications filed tariff sheets that remove references to exchanges that have been sold by U S WEST. The sale was effective June 1, 1997. In addition, this filing includes some text changes and clean-up items. U S WEST has requested an effective date of June 1, 1997, for this filing. (Staff: DJ/CH)	06/17/97	NA

	FILING OF INFORMATIONAL INTRASTATE PAYPHONE T	ARIFFS	
NA	East Plains Telecom, Inc. on June 13, 1997.	NA	NA

Important Notice: The Commission is compiling a list of internet addresses. If you have an internet address please notify the Commission by E-mailing it to Terry Norum al terryn@puc state sci us. Faxing the address to the Commission at 605-773-3809



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

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

> Consumer Hotline 1-800-332-1782

TTY Through Relay South Dakota 1-800-877-1113

William Bullard Jr Executive Director

Edward R. Anderson Harlan Best Martin C. Bettmann Charlie Bolle Sur Cichos Karen F. Cremer Marlette Fischbach Shirleen Fugitt Lewis Hammond Leni Healy Camron Hoseck **Dave Jacobson** Bob Knadle Delaine Kolbo Terri J. Leameister Jeffrey P. Lorensen Terry Norum **Gregory A. Rislov** Tammi Stangolur Steven M. Weeman **Rolayne Ailts Wiest** South Dakota Public Utilities Commission



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

October 1, 1997

Mr. Richard D. Coit Executive Director SDITC P. O. Box 57 Pierre, SD 57501

RE: Eligible Telecommunications Carrier application, TC97-086 Midstate Telephone Company, Inc.

Dear Mr.Coit:

The above-referenced application has been reviewed by the staff of the Public Utilities Commission. The following additional information is needed in order for the Commission to consider this application:

 Pursuant to 47 C.F.R. 54.101(a)(4), single-party service or its functional equivalent must be made available by an Eligible Telecommunications Carrier (ETC) to receive universal service support mechanisms. Does the above-referenced company have this service?

Pursuant to 47 C F.R. 54.405 and 54.411, Lifeline and Link Up services must be made available by an ETC to qualifying low-income consumers. Does the applicant company, as referenced above, make these services available to qualifying consumers?

 Please provide a verification by an authorized officer, under oath, to the Commission in which the applicant represents to the Commission that the facts stated in the Request for ETC Designation and the response to data request nos. 1 and 2, above, are truthful.

Please respond by October 14, 1997. Upon receipt of this information, it will be evaluated by staff and the matter will be scheduled for consideration by the Commission. Thank you for your attention to this matter.

PLEASE NOTE THAT STAFF'S POSITION IS THAT THE COMMISSION CAN ONLY MAKE AN ETC DESIGNATION FOR THOSE EXCHANGES WHICH ARE LOCATED IN SOUTH DAKOTA.

Sincarely, Camron Hoseck Staff Attorney

cc: Harlan Best

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILINGS BY THE FOLLOWING TELECOMMUNICATIONS COMPANIES FOR DESIGNATION AS ELIGIBLE TELECOMMUNICATIONS CARRIERS:) ORDER FOR AND NOTICE) OF HEARING))
VIVIAN TELEPHONE COMPANY) TC97-068)
GOLDEN WEST TELECOMMUNICATIONS COOPERATIVE, INC.) TC97-069)
VALLEY CABLE & SATELLITE COMMUNICATIONS, INC.) TC97-070)
VALLEY TELECOMMUNICATIONS COOPERATIVE ASSOCIATION, INC.) TC97-071)
SIOUX VALLEY TELEPHONE COMPANY) TC97-073)
MOUNT RUSHMORE TELEPHONE COMPANY) TC97-074
FORT RANDALL TELEPHONE COMPANY) TC97-075)
INTRASTATE TELEPHONE COMPANY COOPERATIVE, INC.) TC97-077)
INTERSTATE TELECOMMUNICATIONS COOPERATIVE, INC.) TC97-078)
WEST RIVER COOPERATIVE TELEPHONE COMPANY) TC97-080)
STATELINE TELECOMMUNICATIONS, INC.) TC97-081

ACCENT COMMUNICATIONS, INC.	}	TC97-083
JAMES VALLEY COOPERATIVE TELEPHONE COMPANY	}	TC97-084
HEARTLAND COMMUNICATIONS, INC.	}	TC97-085
MIDSTATE TELEPHONE COMPANY, INC.	}	TC97-086
BALTIC TELECOM COOPERATIVE	;	TC97-087
EAST PLAINS TELECOM, INC.	}	TC97-088
WESTERN TELEPHONE COMPANY	}	TC97-089
STOCKHOLM-STRANDBURG TELEPHONE	}	TC97-090
KENNEBEC TELEPHONE CO., INC.	}	TC97-092
JEFFERSON TELEPHONE CO., INC.	}	TC97-093
SULLY BUTTES TELEPHONE COOPERATIVE, INC.	}	TC97-094
VENTURE COMMUNICATIONS, INC.	}	TC97-095
SANCOM, INC.	;	TC97-096

SANBORN TELEPHONE COOPERATIVE	;	TC97-097
BERESFORD MUNICIPAL TELEPHONE CO.	}	TC97-098
ROBERTS COUNTY TELEPHONE COOPERATIVE ASSOCIATION	}	TC97-099
RC COMMUNICATIONS, INC.	;	TC97-100
SPLITROCK PROPERTIES, INC.	;	TC97-101
SPLITROCK TELECOM COOPERATIVE, INC.	;	TC97-102
TRI-COUNTY TELECOM, INC.	}	TC97-105
FAITH MUNICIPAL TELEPHONE COMPANY	;	TC97-108
ARMOUR INDEPENDENT TELEPHONE COMPANY	;	TC97-113
BRIDGEWATER-CANISTOTA INDEPENDENT TELEPHONE COMPANY	;	TC97-114
UNION TELEPHONE COMPANY	}	TC97-115
MCCOOK COOPERATIVE TELEPHONE COMPANY	}	TC97-117
KADOKA TELEPHONE COMPANY	}	TC97-121

BROOKINGS MUNICIPAL TELEPHONE	}	TC97-125
HANSON COMMUNICATIONS INC. D/B/A HANSON COUNTY TELEPHONE COMPANY))	TC97-130
HANSON COMMUNICATIONS INC. D/B/A MCCOOK TELECOM))	TC97-131
WEST RIVER TELECOMMUNICATIONS	;	TC97-154
MOBRIDGE TELECOMMUNICATIONS CO.	}	TC97-155
U S WEST COMMUNICATIONS, INC.	}	TC97-163
THREE RIVER TELCO	}	TC97-167

The South Dakota Public Utilities Commission (Commission) received requests from the above captioned telecommunications companies requesting designation as eligible telecommunications carriers.

The Commission electronically transmitted notice of the filings and the intervention deadlines to interested individuals and entities. On June 27, 1997, the Commission received a Petition to Intervene from Dakota Telecommunications Systems, Inc. (DTS) and Dakota Telecom, Inc (DTI) with reference to Fort Randall Telephone Company (Docket TC97-075). On July 15, 1997, at its regularly scheduled meeting, the Commission granted intervention to DTS and DTI in Docket TC97-075. No other Petitions to Intervene were filed

The Commission has jurisdiction over this matter pursuant to SDC!. Chapters 1-26 and 49-31, including 1-26-18, 1-26-19, 49-31-3, 49-31-7, 49-31-7, 49-31-11, and 47 U.S.C. § 214(e)(1) through (5).

The issues at the hearing shall be as follows: (1) whether the above captioned telecommunications companies should be granted designation as eligible telecommunications carriers, and (2) what service areas shall be established by the Commission

A hearing shall be held at 1:30 P.M., on Wednesday, November 19, 1997, in Room 412, State Capitol, Pierre, South Dakota. It shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may he issued by default pursuant to SDCL 1-26-20. After the hearing. The Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of this hearing, the Commission may either grant or deny the request from any of the above captioned telecommunications companies requesting designation as an eligible telecommunications carriers. The Commission shall establish service areas for eligible telecommunications carriers. The Commission's decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held at the time and place specified above on the issues of whether the above captioned telecommunications companies should be granted designation as eligible telecommunications carriers, and the Commission shall establish service areas for eligible telecommunications carriers.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

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Dated at Pierre, South Dakota, this

day of November, 1997

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in property addressed envelopes, with charges prepaid thereon. By: All Michael Kalko

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION: Commissioners Burg, Nelson and Schoenfelder

WILLIAM BULLARD, JR Executive Director

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1	THE PUBLIC UTILITIES COMMI OF THE STATE OF SOUTH DA	
2		
3		RECEIVED
4	IN THE MATTER OF THE FILINGS BY THE FOLLOWING TELECOMMUNICATIONS) DEC 0 2 1997
5	COMPANIES FOR DESIGNATION AS ELIGIBLE TELECOMMUNICATIONS CARRIERS:	SOUTH DAKOTA PUBLIC
6	VIVIAN TELEPHONE COMPANY) TC97-068
7	GOLDEN WEST TELECOMMUNICATIONS COOPERATIVE, INC.) TC97-069
9	VALLEY CABLE & SATELLITE COMMUNICATIONS, INC.) TC97-070
10 11	VALLEY TELECOMMUNICATIONS COOPERATIVE ASSOCIATES, INC.) TC97-071
12	SIOUX VALLEY TELEPHONE COMPANY) TC97-073
13	NOUNT RUSHMORE TELEPHONE COMPANY) TC97-074
14	FORT RANDALL TELEPHONE COMPANY	TC97-075
15	INTRASTATE TELEPHONE COMPANY COOPERATIVE, INC.) TC97-077
16	INTERSTATE TELECOMMUNICATIONS COOPERATIVE, INC.)) TC97-078)
17	WEST RIVER COOPERATIVE TELEPHONE COMPANY) TC97-080
19	STATELINE TELECOMMUNICATIONS, INC.)) TC97-081
20	ACCENT COMMUNICATIONS, INC.)) TC97-083
21	JAMES VALLEY COOPERATIVE TELEPHONE) TC97-084
22		;
23	HEARTLAND COMMUNICATIONS, INC.) TC97-085
24	MIDSTATE TELEPHONE COMPANY, INC.	TC97-086
25	BALTIC TELECOM COOPERATIVE	TC97-087 -
	EAST PLAINS TELECOM, INC.)) TC97-088

0. -A. WALD

1		
2	WESTERN TELEPHONE COMPANY) TC97-089
3	STOCKHOLM-STRANDBURG TELEPHONE COMPANY) TC97-090
4	KENNEBEC TELEPHONE CO., INC.)) TC97-092
5	JEFFERSON TELEPHONE CO., INC.)) TC97-093
6	SULLY BUTTES TELEPHONE COOPERATIVE, INC.)) TC97-094)
8	VENTURE COMMUNICATIONS, INC.)) TC97-095
9	SANCOM, INC.)) TC97-096
10	SANBORN TELEPHONE COOPERATIVE)) TC97-097
11	BERESFORD MUNICIPAL TELEPHONE CO.) TC97-098
12	ROBERTS COUNTY TELEPHONE COOPERATIVE ASSOCIATION)) TC97-099)
13	RC COMMUNICATIONS, INC.)) TC97-100
14	SPLITROCK PROPERTIES, INC.)) TC97-101
15	SPLITROCK TELECOM COOPERATIVE, INC.)) TC97-102
16	TRI-COUNTY TELECOM, INC.) TC97-105
17	FAITH MUNICIPAL TELEPHONE COMPANY) TC97-108
18	ARMOUR INDEPENDENT TELEPHONE COMPANY) TC97-113
19		;
20	BRIDGEWATER-CANISTOTA INDEPENDENT TELEPHONE COMPANY) TC97-114
21	UNION TELEPHONE COMPANY)) TC97-115
22 23	MCCOOK COOPERATIVE TELEPHONE COMPANY)) TC97-117)
24	KADOKA TELEPHONE COMPANY)) TC97-121
	BROOKINGS MUNICIPAL TELEPHONE)) TC97-125
25	HANSON COMMUNICOATIONS INC., D/B/A)) TC97-130
		1 1097-13

3 HANSON COUNTY TELEPHONE COMPANY 1 HANSON COMMUNICATIONS INC., D/B/A 2) TC97-131 MCCOOK TELECOM 3 WEST RIVER TELECOMMUNICATIONS) TC97-154 COOPERATIVE 4 MOBRIDGE TELECOMMUNICATIONS CO.) TC97-155 5 U S WEST COMMUNICATIONS, INC.) TC97-163 6 7 THREE RIVER TELCO) TC97-167 8 9 HEARD BEFORE THE PUBLIC UTILITIES COMMISSION 10 11 12 PROCEEDINGS: November 19, 1997 1:30 P.M. 13 Room 412, Capitol Building Pierre, South Dakota 14 15 PUC COMMISSION: Jim Burg, Chairman 16 Laska Schoenfelder, Commissioner Pam Nelson, Commissioner 17 18 COMMISSION STAFF PRESENT: Rolayne Ailts Wiest 19 Camron Hoseck Karen Cremer 20 Harlan Best Bob Knadle 21 Gregory A. Rislov David Jacobson 22 23 24 Reported by: Lori J. Grode, RMR 25

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1			APPEARANCES	
2 3	For	US West:	William P. Heaston 1801 California Street Suite 5100	
4			Denver, CO 80202	
5	1		and	
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14				
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18		Don Lee Bill Haugen,	Jr.	12 46
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1	PROCEEDINGS
2	CHAIRMAN BURG: Okay. We'll go ahead and get
3	started. I'll begin the hearing for the dockets
4	relating to the eligible telecommunications carriers
5	designation. The time is approximately 1:50. The date
6	is November 19, 1997; and the location of the hearing
7	is Room 412, State Capitol, Pierre, South Dakota.
8	I am Jim Burg, Commission Chairman.
9	Commissioners Laska Schoenfelder and Pam Nelson are
10	also present. I'm presiding over this hearing. The
1	hearing was noticed pursuant to the Commission's Order
2	For and Notice of Hearing issued November 7, 1997.
.3	The issues at this hearing shall be as
4	follows: One, whether the requesting
5	telecommunications company should be granted
6	designation as eligible telecommunications carriers;
7	and, two, what service areas shall be established by
8	the Commission.
9	All parties have the right to be present and
0	to be represented by an attorney. All persons so
1	testifying will be sworn in and subject to
2	cross-examination by the parties. The Commission's
3	final decision may be appealed by the parties to the
4	State Circuit Court and the State Supreme Court.
5	Rolayne Wiest will act as Commission

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6 counsel. She may provide recommended rulings on 1 procedural and evidentiary matters. The Commission may 2 overrule its counsel's preliminary rulings throughout 3 the hearing. If not overruled, the preliminary rulings 4 will become final. 5 At this time I'll turn it over to Rolayne for 6 the hearing. 7 8 MS. WIEST: I'll take appearances of the parties. Rich, who do you represent? 9 MR. COIT: I'm here today representing all of 10 the SDITC member companies, and also Kadoka which has 11 recently applied for membership with the coalition. 12 And Darla Rogers is here representing some companies, 13 and I guess she could indicate for the record which 14 15 ones she's representing. MS. ROGERS: I'm here representing Valley; 16 Stockholm-Strandburg; Golden West, including Vivian; 17 18 and Sully Buttes and Venture. 19 MS. WIEST: Could you repeat those again? Valley, Stockholm-Strandburg, Vivian, Golden West. 20 21 MS. ROGERS: Golden West, Sully Buttes and 22 Venture. MS. WIEST: U S West. 23 24 MR. HEASTON: Bill Heaston and Tammy Wilka for U S West Communications. 25

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1	MS. CREMER: Karen Cremer, Commission staff.
2	MR. HOSECK: Camron Hoseck, Commission
3	staff.
4	MS. WIEST: We have had a request to take one
5	of these dockets first and that's TCb7-075. Do any of
6	the parties want to make an opening statement before we
7	begin?
8	Why don't you proceed with 075 then.
9	MR. COIT: Sure, that's fine. I really don't
10	have an opening statement. There are a couple of
11	exhibits that we would like to admit. And I understand
12	there's also been some letters sent to the Commission
13	that we would like to admit into the record as evidence
14	on the ETC questions. And that would be Exhibit Number
1.5	1, which is the application of Fort Randall for ETC
16	designation, and Exhibit No. 2, which is the response
17	of Fort Randall to a data request from staff, dated, I
8	believe, October 1st. And there are two letters. I
9	don't know if we've marked those yet.
0	(EXHIBITS NO. 3 and 4 WERE MARKED FOR
1	IDENTIFICATION.)
2	MR. COIT: There are two other exhibits that
3	have been marked Exhibit No. 3. Kathy Marmet, is that
4	the letter of Dakota or is Exhibit 3 the letter.
5	MS. MARMET: Exhibit 3 is the letter of

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8 Dakota. 1 2 MR. COIT: So the Exhibit 3 is the letter from Robert Marmet to the Commission, and Exhibit 4 is 3 a letter from Mike Bradley to the Commission. 4 MS. WIEST: What's the date of that letter, 5 the letter from Bradley? 6 7 MR. COIT: November 18th. MS. WIEST: Because I have one dated November 8 18th and one the 19th. 9 MR. COIT: I think so. Is that right, 10 Exhibit 3, is that the 19th? Okay. I had a letter 11 that was dated yesterday, but the ones we have marked 12 for admission today. I believe both the letters are 13 dated the 19th, November 19th. 14 15 MS. WIEST: So the letter from Mr. Bradley is dated the 19th? 16 17 MR. COIT: Yes. Sorry about that. MS. WIEST: And that's Exhibit 4. 18 MR. COIT: I don't know why they're dated 19 differently. The 19th is the one we're seeking 20 admission on, I believe. Yes, they are identical so 21. we're seeking admission of the 19th letter. 22 23 MS. WIEST: I think they're not exactly identical but we'll go with the 19th. Could I see the 24 letter from Dakota? I don't believe we got copies of 25

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1	that one. (Pause.) So at this time are you offering
2	Exhibits 1, 2, 3 and 4?
3	MR. COIT: Yes, that's correct.
4	MS. WIEST: Is there any objection to those
5	exhibits being admitted? If not, 1, 2, 3 and 4 have
6	been admitted in TC97-075. Then at this time I would
7	ask if any of the parties have any questions pertaining
8	to TC97-075, including the Commissioners?
9	The only question I would have, Rich, is on
0	the response to the data request, Exhibit 2. And the
1	first question it talks about single party service. I
2	guess it's not absolutely clear that it's available to
.3	all the customers the way that the statement is written
4	and answered.
5	MR. COIT: Oh, because they said does the
6	above-referenced company have this service.
7	MS. WIEST: Right.
8	MR. COIT: Yeah, I guess that is correct.
9	And I am not here today to serve as a witness.
0	MS. WIEST: No.
1	MR. COIT: If that's a concern that you feel
2	you need addressed, and I hate to say this, but I was
23	led to believe that if there were some questions on
4	applications and there was not a witness here to answer
25	that. those questions could be dealt with between now

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10 and December 2nd. There are witnesses here today for 1 some of the other applications, but there is not a 2 witness here today with respect to Fort Randall's з 4 application. MS. WIEST: The only other thing I would 5 suggest is that perhaps the Commission could just have 6 it clarified by another affidavit from the person. 7 CHAIRMAN BURG: We could approve it on the 8 basis of that clarification. 9 MS. WIEST: A late-filed exhibit just 10 clarifying that since we are taking affidavits from the 11 12 witnesses on other issues. 13 MR. COIT: I appreciate that option. MS. WIEST: Otherwise, are there any other 14 15 questions relating to 075? CHAIRMAN BURG: Can we make bench decisions? 16 MS. WIEST: Staff will have something too. 17 They'll have testimony on all of the cases. Does staff 18 want to go now, or do you want to go at the very end? 19 MR. HOSECK: Originally we had planned to go 20 after the applicants had. 21 MS. WIEST: All the applicants? 22 MR. HOSECK: Yes. And if these are treated 23 en mass or something fairly close to that, then we 24 would be prepared to put on our case in a similar 25

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1	manner.
2	CHAIRMAN BURG: That's fine.
3	MS. WIEST: Let's just go through them and
4	then we'll have Harlan as the witnes: . Let's go back
5	to TC97-068. Does anyone have any questions on
6	TC97-068?
7	CHAIRMAN BURG: Just a clarification. What
8	data request response is this?
9	MS. WIEST: Yes. That would be in that
10	packet.
11	MR. COIT: Is there a chance that we could
12	consider or deal with these en mass as Mr. Hoseck has
13	indicated or suggested?
14	MS. WIEST: I'd rather not just because on a
15	few of them I have a couple questions on some of them.
16	MR. COIT: Okay. Should I go ahead and
17	introduce the exhibits?
18	MS. WIEST: Yes.
19	MR. COIT: With respect to Docket TC97-068
20	there are two exhibits. Exhibit No. 1 is the actual
21	ETC request filed by Vivian Telephone Company. And
22	Exhibit No. 2 is the response of Vivian Telephone
23	Company to a data request from Commission staff. We
24	would move the admission of those exhibits. I do not
25	have the dates. I don't have them here with me.

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1	Okay. Yeah, the date on the Exhibit No. 1 is 6-1997,
2	and the date on the response to the data request is
3	10-14-97.
4	CHAIRMAN BURG: 6-9; right, not 6-19?
5	MR. COIT: 6-19 6-9, excuse me.
6	MS. WIEST: Okay. Is there any objection to
7	admitting Exhibits 1 and 2 in 068? If not, they've
8	been admitted. Again, Rich, on Exhibit 2, the first
9	question, it says we provide single party service
10	throughout. I guess I'll assume that means all
11	customers?
12	MR. COIT: I would call Don Lee. Don Lee is
13	here representing Vivian as well as some of the other
14	companies. Don Lee, do you want to take a seat?
15	DON LEE,
16	called as a witness, being first duly sworn,
17	was examined and testified as follows:
18	DIRECT EXAMINATION
19	BY MR. COIT:
20	Q. Could you respond to Commission counsel's
21	question, please?
22	A. Yes. The answer to your question is, yes, it
23	does indicate that they provide service private line
24	throughout the study area.
25	MS. WIEST: Single party to all customers?

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1	It's available to all customers?
2	A. Right.
3	MS. WIEST: Thank you. That's the only
4	question I have. Does anybody else have any questions
5	for this witness for 068? If not, thank you. I did
6	admit Exhibit 1 and 2. 069.
7	MR. COIT: We would move the admission of
8	Exhibits No. 1 and 2 in 069, and that is an ETC request
9	or application dated 6-9-97 and response to a staff
0	data request dated 10-14-97.
1	MS. WIEST: Any objection? If not, they've
2	been admitted.
3	COMMISSIONER SCHOENFELDER: Excuse me, I do
4	not have the data request up here with me for some
5	reason. I'm sorry about this, but I need to go back
6	and ask Mr. Lee about the Lifeline, Link Up. I think
7	was that covered in the data request? I'm sorry to be
8	behind the eight ball, but I did not have that and so I
9	need to know whether this company is doing Lifeline,
0	Link Up now or whether you need to whether you
1	intend to have that implemented by 1-1?
2	A. You're referring to the Vivian Telephone
3	Company?
4	COMMISSIONER SCHOENFELDER: Yeah, Vivian is
5	what we're doing now.

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A. Vivian Telephone Company does provide 1 Lifeline and Link Up throughout its system with the 2 exception of the Vivian Exchange, and they anticipate 3 providing it in the Vivian Exchange by January 1, 4 1998. 5 COMMISSIONER SCHOENFELDER: But anticipated 6 7 and doing it are two different things. And I think I'm 8 going to have to be assured that you're either going to do it or that you're going to ask for something from 9 us. 10 A. Do you want a commitment that we will do it 11 12 by that date? COMMISSIONER SCHOENFELDER: I think that's 13 one of the requirements, if I'm reading the Act right. 14 15 Α. Yeah. COMMISSIONER SCHOENFELDER: And I think 16 17 that's important that we have that on the record. 18 A. Certainly, Commissioner. The answer is, yes, they are committed to providing it by 1-1-1998. 19 COMMISSIONER SCHOENFELDER: Thank you. 20 CHAIRMAN BURG: Just a question, a general 21 22 one on that. On the toll, what do we call it toll 23 control? Do we need a statement on those, too, or a 24 request for a waiver? MS. WIEST: They did actually request waivers

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1	in their original applications.
2	MR. COIT: I was at the conclusion of going
3	through, I guess, the questions and so forth, I was
4	basically before the Commission acts on any of
5	these, going to restate the request. But if the
6	Commission has questions of Mr. Lee with respect to
7	certain aspects of providing it, I would yeah, I
8	would suggest you go ahead and ask it.
9	CHAIRMAN BURG: No, I don't have a problem as
10	long as we know all of them that's going to apply to.
11	In other words, if it applies to every one of them,
12	then the statement at the end saying it applies on all
13	of them is adequate for me. Or if you have some that
14	already could do the toll control, we need to know
15	that. I doubt if there are any at this time.
16	MR. COIT: No, we don't. And the waiver
17	request is included in all the applications. But just
18	to make sure it was ruled on, I was intending on
19	bringing it up again at the end.
20	CHAIRMAN BURG: Okay. That's fine with me.
21	MS. WIEST: Any other questions of this
22	witness regarding 068 and 069? If not, we will go to
23	TC97-070.
24	MR. COIT: Again, I would move for the
25	admission of two exhibits in TC97-070, and that is the

16 ETC application or request dated 6-10-97 and response 1 to staff's data request dated 10-97. 2 MS. WIEST: Any objection? If not, Exhibits 3 1 and 2 have been admitted. Are there any questions 4 with regard to this docket? If not, let's go to 5 TC97-071. 6 MR. COIT: We would move for the admission of 7 Exhibits No. 1 and 2, request for ETC status dated 8 6-10-97 and response to data request of staff dated 9 10-9-97. 10 MS. WIEST: Any objection to Exhibits 1 and 11 2? If not, they've been admitted. Are there any 12 questions regarding TC97-071? If not, we will go to 13 TC97-073. 14 MR. COIT: We would move for the admission of 15 Exhibit No. 1, ETC request dated 6-11-97 and Exhibit 16 No. 2, response to staff data request dated 10-14-97. 17 MS. WIEST: Any objections to Exhibits 1 and 18 2 being admitted? If not, they have been admitted. 19 20 Any questions regarding 073? MR. COIT: I would note that Dennis Law, who 21 is the current manager of Sioux Valley Telephone 22 Company, is available if the Commissioners have any 23 questions. 24 MS. WIEST: Any questions? If not, we'll go 25

17 to TC97-074. 1 MR. COIT: We would move for the admission of 2 Exhibit No. 1, which is the ETC request dated 6-12-97 3 and Exhibit No. 2, response to staff data request dated 4 5 10-31-97. MS. WIEST: Are there any objections? If 6 not, 1 and 2 have been admitted. Are there any 7 questions concerning 074? I have the same question on 8 this one, Rich, with respect to the data request number 9 10 one. MR. COIT: Would an affidavit be adequate? 11 MS. WIEST: Yeah, as far as all customers. 12 MR. COIT: Okay. I will make sure that gets 13 14 filed. MS. WIEST: Any questions on 074? If not, 15 let's go to TC97-077. 16 MR. COIT: We would move for the admission of 17 Exhibit No. 1, which is the ETC request and that's 18 dated 6-13-97. Also move for admission of Exhibit No. 19 20 2, which is a response to data request dated 10-9-97. And there is also an Exhibit No. 3 in this docket, a 21 supplemental response to staff data request. It's 22 23 dated 10-28-97. We move the admission of all three exhibits. 24 25 MS. WIEST: Any objection? If not, those

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1	three exhibits have been admitted. Are there any
2	questions regarding this docket?
3	MR. COIT: I believe Mr. Lee is representing
4	ITC today as well?
5	MR. LEE: That's right.
6	MS. WIEST: Okay. Let's go to TC97-078.
7	MR. COIT: We move for the admission of
8	Exhibit No. 1, which is the ETC request dated 6-13-97
9	and move for the admission of Exhibit No. 2, which is
10	response to staff data request dated 10-9-97.
11	MS. WIEST: Any objection to those exhibits?
12	If not, they've been admitted. Any questions
13	concerning this docket? Let's go to TC97-080.
14	MR. COIT: We move for the admission of
15	Exhibit No. 1, which is the ETC request dated 6-16-97,
16	and also move for admission of response to staff data
17	request Exhibit No. 2, which is dated 10-14-97.
18	MS. WIEST: Any objection to Exhibits 1 and
19	2? If not, they've been admitted. Any questions
20	regarding this docket? If not, let's move to
21	TC97-081.
22	MR. COIT: We move for the admission of ETC
23	request dated 6-16-97, which is Exhibit No. 1, and also
24	Exhibit No. 2, response to staff data request, dated
25	10-15-97.

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1	MS. WIEST: Are there any objections to 1 and
2	2? If not, they've been admitted. Any questions
3	regarding this docket? So, Rich, with respect to this
4	one, you will be asking at the end about the waiver for
5	the single party and all the other waivers; is that
6	right?
7	MR. COIT: Is there a waiver request in the
8	Stateline on the single party issue?
9	MS. WIEST: Yes.
10	MR. COIT: I wasn't aware of that. I
11	understood there were some companies that had purchased
12	U S West exchanges that were still in the process of
13	converting some party lines. But, yes, if they need a
14	waiver, I guess so. I'll renew that request. I don't
15	have any factual information I can provide. I don't
16	believe, Mr. Lee, are you here representing Stateline?
17	MR. LEE: I am. And in conversations with
18	Stateline management yesterday, they indicated that
19	they would likely need a waiver request until March,
20	April time frame when they can finish the construction
21	to provide all one party service.
22	MS. WIEST: And in their application they're
23	actually asking for a one-year waiver; correct?
24	MR. LEE: But they're willing to shorten it
25	up.

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1	MS. WIEST: So you probably just need a
2	waiver until June?
3	MR. LEE: That would be adequate.
4	MS. WIEST: June 1st?
5	CHAIRMAN BURG: Do we need to act on the
6	waivers now?
7	COMMISSIONER SCHOENFELDER: Do you want a
8	motion on the waiver now?
9	MS. WIEST: Let's talk about that. The thing
0	is that all of these, I believe, are going to also need
1	a motion on the waivers for the one year on the toll
2	control, and we haven't been doing any of those motions
3	at this time.
4	CHAIRMAN BURG: We have to take each of those
5	separate motions, do you think, at the end for the toll
6	control?
7	MS. WIEST: Yes. If we want to go
8	MR. COIT: We could pick it up here now and
9	start doing waivers. That might be the easiest way.
0	CHAIRMAN BURG: If we got to go through each
1	one.
2	MR. COIT: Rule on them as you go through.
3	CHAIRMAN BURG: Easier than going back.
4	MS. WIEST: Okay. For 081 with respect to
5	the waiver until June 1st, 1998, concerning single

party service to all customers, and the second waiver 1 on toll control for one year -- one year from what 2 date, Rich? 3 MR. COIT: I think I would guess that that 4 5 would be from the date of the order. MS. WIEST: Okay. 6 MR. COIT: On the toll control? You're 7 8 speaking to the toll control; correct? MS. WIEST: Yes, toll control. 9 COMMISSIONER SCHOENFELDER: I have a question 10 as long as we're talking about the waivers both on toll 11 control and on the single party service. As long as 12 you're asking for waivers, let's make sure it's done 13 properly and that we're not back here in two months 14 asking for more waivers. I would hate to go through 15 this process, or would not like to go through this 16 process again. I think we need to be accurate when 17 we're doing it. I also have a question about what 18 19 meets the requirements of the Act? How much of a waiver can we give? I don't know as I know the answer 20 21 to that. MS. WIEST: Right. The time actually in the 22 FCC Order is not specified. But it does say in 23 paragraph 89, I believe, that the Commission must, upon 24 a finding of exceptional circumstances, you can make a 25

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waiver for single party services for a specified period 1 of time. And also on the toll limitation the company 2 must also show exceptional circumstances exist and need 3 for additional time to upgrade. They should have to 4 show individual hardship, individualized hardship or 5 inequity warrants additional time to comply and that 6 would better serve the public interest that is in 7 8 strict adherence to the time period and it should extend only as long as the exceptional circumstances 9 10 exist.

11 MR. COIT: I would note that in the applications, while we've requested a year, we've also 12 indicated that within that period of time we would file 13 some information with the Commission indicating, you 14 know, when the capability is available. If the 15 Commission -- what we have -- and Mr. Lee, I think, can 16 17 answer some questions in the area of toll control that I can't answer. But we're faced with a situation today 18 19 where the capabilities are just not available. If a year is too long, you know, from our perspective we 20 really didn't know when it would be available and 21 that's why we requested a year. But if there's better 22 23 information on that, maybe the time period can be different. But right now we really don't know when the 24 25 capability is going to be available.

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1	COMMISSIONER SCHOENFELDER: I hate to belabor
2	the point, and I know everyone wants to get through
3	this, but to me it's very important that we do it
4	right. And so if it means that we need to answer the
5	question when we grant these waivers and we send these,
6	or you send them on to the FCC, we need to be sure that
7	you have spelled out why these companies at least
8	this is what I'm understanding why these companies
9	can't do toll control and why it's going to take that
10	long of a period of time to do single party service.
11	And so I think that should be in the application
12	somewhere, or at least in our motion as we approve it,
13	or we should have something on the record to support
14	where we're going.
15	MS. WIEST: They do explain the reasons in
16	their application, their original application, with
17	respect to toll control.
18	COMMISSIONER SCHOENFELDER: Okay.
19	MS. WIEST: But if there are any further
20	questions that the Commission would like to ask at this
21	time, if you need more information on that, we could do
22	that now.
23	COMMISSIONER SCHOENFELDER: I would like to
24	know and this probably isn't true of all companies.
25	But of the ones you're testifying for at least,

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Mr. Lee, where they're at in deploying the technology that we need to do these two things and what kind of delays you might expect. Because I don't want this to not go forward the way that it's been perceived that it should go forward.

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MR. LEE: Sure. Okay. I might respond to 6 7 that in general; and then if there are specific questions, I'd be happy to do that. But the issue of 8 toll limitation, which I believe under the FCC's 9 10 description identifies a toll restriction and a toll control, and the issue at hand is in the toll control. 11 which my understanding is to indicate that the end user 12 subscriber is to be able to control the amount of its 13 monthly bill, at which time a restriction automatically 14 kicks in and disallows access to the long distance 15 16 network. To my knowledge, there is no switch vendor in the United States today who provides that capability 17 within its switch. I know that the vendors are working 18 on it. I could not sit here with a clear conscience 19 and indicate that on X date that I would expect it will 20 be available. Given my honest opinion, I would doubt 21 22 that it's available to the general population within a 23 year's time period. And therein is the reason I believe that SDITC members ask for the one-year period 24 because we don't anticipate it being available. 25

1	The second or alternative to that is a
2	software provisioning of toll control. And, again, to
3	my knowledge, there is no interface between a software
4	system and a switch that has that capability.
5	Primarily because it would take real time rating of a
6	customer's usage; and because the customer control
7	switch interexchange carrier it's choosing, there are a
8	myriad of optional call plans and rate structures that
9	would be applied. And, to my knowledge, there just is
10	no technology, nor software, available to carry out
11	that program.
12	COMMISSIONER SCHOENFELDER: And if I recall
13	right, it doesn't it's not permissive, one or the
14	other. You really to need to do all of the above.
15	MR. LEE: It includes both, that's correct.
16	COMMISSIONER SCHOENFELDER: I believe some
17	companies have asked the FCC for clarification, that
18	sort of thing. And as far as I know, you might have
19	better information than I do that that decision has not
20	been handed down by the FCC.
21	MR. LEE: A, I doubt I have better
22	information; and, B, I agree it has not been handed
23	down, to my knowledge. There is that clarification
24	procedure request in front of the FCC.
25	COMMISSIONER SCHOENFELDER: Okay.

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1	CHAIRMAN BURG: To my knowledge, everybody
2	can offer toll limitation; right, from what we've had
3	to get a general statement?
4	MR. LEE: I'm going to define as toll
5	restriction, if I can, instead of toll limitation, yes.
6	CHAIRMAN BURG: Toll blocking is what I
7	mean. Everybody can offer that?
8	MR. LEE: To my knowledge, that's a true
9	statement.
10	CHAIRMAN BURG: And I guess my position is to
11	me, the other I really don't see, you know, since
12	you said it's not available, I can't see them implying
13	it or even putting it into here. I think it satisfies
14	all of our needs. I have no problem giving the full
15	year or more as long as it gets through FCC, which at
16	this time it appears it should. So I don't see this
17	point to me in making it a shorter limit because I
18	don't think it will interfere with the ETC
19	establishment.
20	MR. LEE: I would agree with that and then
21	would point out in the applications the companies have
22	indicated that they will investigate and will work with
23	their switch vendors so that when it does become
24	available, they're willing to implement it. I think
25	that the telephone companies feel that once it becomes

27 available, it is in the public interest and would be 1 very supportive of that concept. 2 CHAIRMAN BURG: With that I'll move that we з 4 grant the one-year waiver on toll -- what is it 5 called? Toll limitation? Toll control? 6 COMMISSIONER NELSON: I'd second. 7 COMMISSIONER SCHOENFELDER: I'm going to concur with that as long as the motion is understood 8 that there will be some formal way to limit toll for 9 these customers just so that everybody understands the 10 11 motion. CHAIRMAN BURG: I think in every application 12 you agreed that you can do toll restriction --13 14 MR. LEE: Right. CHAIRMAN BURG: -- if I remember reading the 15 applications, and that to me is satisfactory. 16 17 MR. LEE: Thank you. CHAIRMAN BURG: Do you want them as a 18 separate motion? Okay. I'll also move -- which one do 19 20 we need on this one? MS. WIEST: The single party service until 21 22 June 1st. CHAIRMAN BURG: I'll move that we grant a 23 24 waiver in TC97-081 in the single party requirement until June 1, 1998. 25

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28 COMMISSIONER NELSON: I'd second. 1 COMMISSIONER SCHOENFELDER: Concur. 2 MS. WIEST: Any other questions in 081? Do 3 4 you want to go back now? CHAIRMAN BURG: It might be easier to go back 5 and get these others. 6 7 MR. COIT: Whatever. MS. WIEST: We'll go back to 068, and the 8 9 motion in 068 will be for the one-year waiver on toll 10 control. CHAIRMAN BURG: I'll move that we grant the 11 waiver of toll control in TC97-075. 12 13 COMMISSIONER NELSON: I'd second. 14 COMMISSIONER SCHOENFELDER: Concur. 15 MS. WIEST: 068. CHAIRMAN BURG: I'll move we grant the toll 16 -- I mean I'll move we grant the waiver for toll 17 18 limitation. MS. WIEST: Toll control. I'm sorry, we have 19 to be accurate because what the FCC did is they call it 20 21 combined toll control and toll blocking as toll 22 limitation. CHAIRMAN BURG: I'll move we grant the waiver 23 24 for toll control in TC97-068. 25 COMMISSIONER NELSON: Seconded.

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1	COMMISSIONER SCHOENFELDER: Concur.
2	MS. WIEST: For one year?
3	CHAIRMAN BURG: Yes.
4	MS. WIEST: 069.
5	CHAIRMAN BURG: I'll keep making them. I'll
6	move we grant the toll control waiver in TC97-069 for
7	one year.
8	COMMISSIONER NELSON: Seconded.
9	COMMISSIONER SCHOENFELDER: Concur.
10	MS. WIEST: 070.
11	CHAIRMAN BURG: I'll move that we grant toll
12	control in TC97-070 for one year, the waiver for one
13	year.
14	COMMISSIONER NELSON: Second it.
15	COMMISSIONER SCHOENFELDER: Concur.
16	MS. WIEST: 171.
17	CHAIRMAN BURG: I'll move that we grant toll
18	control, the waiver for toll control, in TC97-071 for
19	one year.
2.0	COMMISSIONER NELSON: Seconded.
21	COMMISSIONER SCHOENFELDER: Concur.
22	MS. WIEST: 073.
23	CHAIRMAN BURG: I'll move we grant the waiver
24	for toll control in TC97-073 for one year.
25	COMMISSIONER NELSON: Seconded.

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1	COMMISSIONER SCHOENFELDER: Concur.
2	MS. WIEST: 074.
3	CHAIRMAN BURG: I'll move we grant the waiver
4	for toll control in TC97-074 for one year.
5	COMMISSIONER NELSON: Seconded.
6	COMMISSIONER SCHOENFELDER: Concur.
7	MS. WIEST: 077.
8	CHAIRMAN BURG: I'll move we grant the waiver
9	for toll control in TC97-077 for one year.
10	COMMISSIONER NELSON: Seconded.
11	COMMISSIONER SCHOENFELDER: Concur.
12	MS. WIEST: 078.
13	CHAIRMAN BURG: I'll move we grant the waiver
14	for toll control in TC97-078 for one year.
15	COMMISSIONER NELSON: Seconded.
16	COMMISSIONER SCHOENFELDER: Concur.
17	MS. WIEST: 080.
18	CHAIRMAN BURG: And I'll move we grant the
19	waiver for toll control in TC97-080 for one year.
20	COMMISSIONER NELSON: Seconded.
21	COMMISSIONER SCHOENFELDER: Concur.
22	CHAIRMAN BURG: We did 81; right, and we are
23	done with 81.
24	MS. WIEST: Any further questions on 081?
25	083, TC97-083.

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1	MR. COIT: We would move for the admission of
2	the ETC request filed by Accent, dated 6-17-97, and
3	Exhibit No. 2, the response to staff data request which
4	is dated 10-8-97.
5	MS. WIEST: Any objection? If not, 1 and 2
6	have been admitted. Any questions regarding 083?
7	CHAIRMAN BURG: I'll move we grant the toll,
8	the waiver for toll control in TC97-083 for one year.
9	COMMISSIONER NELSON: Seconded.
10	COMMISSIONER SCHOENFELDER: Concur.
11	MS. WIEST: TC97-084.
12	MR. COIT: We move for the admission of the
13	ETC request dated 6-17-97, which is marked Exhibit No.
14	1, and we move for the admission of Exhibit No. 2, the
15	response to staff data request dated 10-8-97.
16	MS. WIEST: Are there any objections? If
17	not, they've been admitted.
18	CHAIRMAN BURG: I'll move we grant the waiver
19	for toll control in TC97-084 for one year.
20	COMMISSIONER NELSON: Seconded.
21	COMMISSIONER SCHOENFELDER: I'll concur.
22	Does this have a single party question on this one?
23	MS. WIEST: No. They said in their original
24	application that they are offering single party service
25	to all consumers.
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1	COMMISSIONER SCHOENFELDER: I got a sticky on
2	it. Sorry. James Valley; right?
3	MS. WIEST: I believe in their okay.
4	Yeah, that was Bob's question. And the reason he had
5	the question is it was actually in the original
6	application. So if you look at the original
7	application on page two, under question number three,
8	they do state that they provide single party service to
9	all consumers in their service area. Number four down
10	on that list.
11	COMMISSIONER SCHOENFELDER: Okay.
12	MS. WIEST: Thank you. Okay. Let's go to
13	TC97-085.
14	MR. COIT: We move for admitting of Exhibit
15	No. 1, the ETC request, dated 6-17-97, and Exhibit No.
16	2, the response to staff data request dated 10-10-97.
17	MS. WIEST: Any objections? If not, they've
8	been admitted. I have the same question here with
.9	respect to question number one.
2.0	MR. COIT: Mr. Benton is available to respond
21	to questions, I believe. Is this Heartland? Right?
22	Or, Don, can you respond to any questions?
3	MR. LEE: Mark has asked me to respond on his
4	behalf, which will be Heartland Communications, and
25	they are offering all single.

33 MS. WIEST: Single party was offered to all 1 customers? Any other questions concerning this 2 docket? Is there a motion? 3 CHAIRMAN BURG: I'll move that we grant the 4 waiver for toll control to TC97-089 for one year. 5 COMMISSIONER NELSON: I'd second it. 6 7 COMMISSIONER SCHOENFELDER: Concur. MS. WIEST: 085, I believe. 8 CHAIRMAN BURG: Excuse me, 85. 9 10 MS. WIEST: TC97-086. MR. COIT: We move for the admission of ETC 11 request, Exhibit No. 1, dated 6-17-97, and response to 12 staff data requests, Exhibit No. 2, which is dated 13 10-10-97. 14 15 MS. WIEST: Any objections? If not, they have been admitted. Same question, can you answer 16 that, Mr. Lee? 17 MR. LEE: I'm sorry, I don't have the 18 associated companies with the exhibit numbers. Which 19 20 company are we referring to? 21 MR. COIT: Midstate. MR. LEE: They are currently all private line 22 23 services. MR. COIT: Single party; correct? 24 MS. WIEST: Single party to all customers? 25

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1	MR. LEE: Correct.
2	MS. WIEST: Any other questions in this
3	docket?
4	CHAIRMAN BURG: I'll move we grant the toll
5	control waiver in TC97-086 for one year.
6	COMMISSIONER NELSON: I'd second it.
7	COMMISSIONER SCHOENFELDER: Concur.
8	MS. WIEST: TC97-087.
9	MR. COIT: We move for the admission of
10	Exhibit No. 1, ETC request, dated 5-17-97, and Exhibit
11	No. 2, response to staff data request, dated 10-16-97.
12	MS. WIEST: Any objections? If not, Exhibits
13	1 and 2 have been admitted.
14	CHAIRMAN BURG: I'll move we grant toll
15	control waiver in TC97-087 for one year.
16	COMMISSIONER NELSON: I'd second it.
17	COMMISSIONER SCHOENFELDER: Concur.
18	MS. WIEST: Again, I'd have a question on
19	this one, Rich.
20	MR. COIT: Mr. Lee is representing Baltic as
21	well.
22	MR. LEE: Baltic is currently all private
23	line. I'm sorry, single party. I should use the right
	term, single party service.
25	MS. WIEST: To all customers?

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1	MR. LEE: Correct.
2	MS. WIEST: Thank you. TC97-088.
3	MR. COIT: We move for the admission of
4	Exhibit No. 1, ETC request dated 6-17-97, and response
5	to staff data request, which is Exhibit No. 2, which is
6	dated 10-17-97.
7	MS. WIEST: Any objections? If not, Exhibits
8	1 and 2 have been admitted.
9	CHAIRMAN BURG: I'll move we grant a waiver
10	on toll control in TC97-088 for one year.
11	COMMISSIONER NELSON: I'd second it.
12	COMMISSIONER SCHOENFELDER: Concur.
13	MS. WIEST: Can you answer my question on
14	this one, Mr. Lee?
15	MR. LEE: Company name, please?
16	MS. WIEST: East Plains.
17	MR. LEE: Currently is all single party
18	service.
19	MS. WIEST: Thank you.
20	MS. WIEST: TC97-089.
21	MR. COIT: We move for the admission of
22	Exhibit No. 1, which is the ETC request dated 6-17-97,
23	and the admission of Exhibit No. 2, which is a response
24	to staff data request, dated 10-21-97.
25	MS. WIEST: Any objections? If not, they've

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36 been admitted. Same question. 1 MR. COIT: I don't believe that Mr. Lee is 2 here representing Western today. What did they say in 3 the response? 4 MS. WIEST: They said Western Telephone 5 offers single party service. My question is do they 6 offer to every customer again? 7 MR. COIT: Well --8 MS. WIEST: Can you do a late-filed on that? 9 MR. COIT: We can do an affidavit on that 10 11 one, I quess. CHAIRMAN BURG: I'll move we grant a waiver 12 on toll control for TC97-089 for one year. 13 14 COMMISSIONER NELSON: I'd second it. COMMISSIONER SCHOENFELDER: Concur. 15 MS. WIEST: Okay. Let's go on to TC97-090. 16 MR. COIT: We move for the admission of 17 Exhibit No. 1, which is the ETC request dated 6-17-97, 18 and Exhibit No. 2, which is the response to staff data 19 20 request dated 10-24-97. MS. WIEST: Any objection? If not, they've 21 22 been admitted. Any questions concerning this docket? CHAIRMAN BURG: I'll move that we grant a 23 waiver on toll control in TC97-090 for one year. 24 COMMISSIONER NELSON: I'd second it. 25

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COMMISSIONER SCHOENFELDER: Concur.
MS. WIEST: TC97-092.
MR. COIT: We move for the admission of
Exhibit No. 1, which is the ETC request of Kennebec
Telephone Company dated 6-18-97, and move for the
admission of Exhibit No. 2, which is the response to
staff data request dated 10-10-97. And I would note
that Mr. Rod Bauer is here to respond to any questions
that the Commissioners or staff may have concerning
their request.
MS. WIEST: Any questions concerning this
docket? If not, do you have a motion?
CHAIRMAN BURG: Did we admit both those?
MS. WIEST: I'm sorry, I did not. I will
admit Exhibit Numbers 1 and 2.
CHAIRMAN BURG: I'll move that we grant a
waiver on toll control in TC97-092 for one year.
COMMISSIONER NELSON: I'd second it.
COMMISSIONER SCHOENFELDER: Concur.
MS. WIEST: TC97-093.
MR. COIT: We would move for the admission of
Exhibit No. 1, which is the ETC request of Jefferson
Telephone Company, dated 6-18-97, and move also for the
admission of Exhibit No. 2, response to staff data
request, which is dated 10-10-97. And I would note

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that Mr. Dick Connors is available to answer any 1 questions concerning the Jefferson request. 2 MS. WIEST: Any objection to the exhibits? 3 If not, they've been admitted. Any questions 4 concerning this docket? 15 CHAIRMAN BURG: I'll move we grant a waiver 6 for toll control in TC97-093 for one year. 7 8 COMMISSIONER NELSON: I'd second it. COMMISSIONER SCHOENFELDER: Concur. 9 MS. WIEST: TC97-094. 10 11 MR. COIT: We'd move for the admission of Exhibit No. 1, which is the ETC request dated 6-19-97, 12 and move for the admission of Exhibit No. 2, which is 13 the response to data request dated 10-15-97. 14 MS. WIEST: Any objection to Exhibits 1 and 15 If not, those exhibits have been admitted. Do you 16 27 17 have any witnesses for this one? MR. COIT: Mr. Lee is available for both 18 Sully Buttes and Venture. 19 20 MS. WIEST: I just had a question, I quess, 21 concerning single party service because in this one it does say should facilities not allow immediate single 22 23. party service. Sully Buttes may offer multi-party service until the facilities are restored or installed 24 to allow for single party service. Has that occurred 25

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1	in the past?
2	A. Currently Sully Buttes Telephone has no
3	multi-line. The fact is all single party service. I
4	think they added that language such that if there were
5	a disaster that they had to respond to, they wanted to
6	reserve the right to offer party line under the
7	emergency basis only. But they have for a number of
8	years been all single party service.
9	MS. WIEST: Any other questions?
10	CHAIRMAN BURG: I'll move we grant a waiver
11	on toll control for TC97-094 for one year.
12	COMMISSIONER NELSON: I'd second it.
13	COMMISSIONER SCHOENFELDER: Well, I'll
14	concur.
15	MS. WIEST: TC97-095.
16	MR. COIT: We would move for the admission of
17	ETC, Exhibit No. 1, dated 6-19-97, and admission of
18	Exhibit No. 2, response to data request dated
19	10-15-97. I would point out that I believe that there
20	might be an issue with respect to single party service
21	waiver in this case as well.
22	MS. WIEST: Right. At this time are there
23	any objections to Exhibit 1 and 2? If not, they've
24	been admitted. Yes. And it would appear they would
25	need a waiver. And my question for apparently they

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1	have three multi-party customers and they plan to
2	install single party service during the 1988
3	construction season. So I guess my question is
4	apparently they haven't asked for a waiver. Are you
5	doing so at this time?
6	MR. COIT: Yes, we would on their behalf.
7	And I think Mr. Lee would be able to respond to
8	questions on that. I assume so anyway.
9	MR. LEE: Sure. But that would be correct,
10	we do need a waiver. The same June 1 date would be
11	acceptable to us.
12	MS. WIEST: June 1, okay.
13	CHAIRMAN BURG: I'll move we grant a waiver
14	in single party service to June 1, 1998, in TC97-095.
15	COMMISSIONER NELSON: I would second that.
16	COMMISSIONER SCHOENFELDER: Sure, I'll
17	concur.
18	CHAIRMAN BURG: And I'll also move that we
19	grant a waiver for toll control on TC97-095 for one
20	year.
21	COMMISSIONER NELSON: I'd second it.
22	COMMISSIONER SCHOENFELDER: Concur.
23	MS. WIEST: TC97-096.
24	MR. COIT: I move for the admission of ETC
25	request, Exhibit No. 1, dated 6-19-97, and move for the

admission of Exhibit No. 2, response to data request 1 dated 10-10-97. 2 MS. WIEST: Any objections? If not, they've 3 been admitted. Any questions concerning this docket? 4 CHAIRMAN BURG: I'll move we grant a waiver 5 6 on toll control in TC97-096 for one year. 7 COMMISSIONER NELSON: I'd second it. 8 COMMISSIONER SCHOENFELDER: Concur. MS. WIEST: TC97-097. 9 MR. COIT: We move for the admission of 10 Exhibit No. 1, ETC request, dated 6-19-97, and Exhibit 11 No. 2, response to data request dated 10-10-97. 12 MS. WIEST: Any objections? If not, they've 13 been admitted. Does anybody have any questions 14 15 concerning this docket? 16 CHAIRMAN BURG: I'll move we grant a waiver for toll control in TC97-097 for the year. 17 COMMISSIONER NELSON: I'd second it. 18 COMMISSIONER SCHOENFELDER: Concur. 19 20 MS. WIEST: TC97-098. MR. COIT: We move for the admission of ETC 21 request dated 6-19-97, which is marked Exhibit No. 1, 22 and admission of Exhibit No. 2, which is the response 23 to data request dated 10-14-97. 24 MS. WIEST: Any objection to Exhibits 1 and 25

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42 2? If not, they've been admitted. Are there any 1 questions concerning this docket? 2 CHAIRMAN BURG: I'll move that we grant a 3 waiver for toll control in TC97-098 for one year. 4 COMMISSIONER NELSON: I'd second it. 5 COMMISSIONER SCHOENFELDER: Concur. 6 MS. WIEST: TC97-099. 7 8 MR. COIT: We move for the admission of Exhibit No. 1, which is the ETC dated 6-19-97, and 9 admission of Exhibit No. 2, which is the response to 10 data request dated 10-9-97. 11 MS. WIEST: Any objection? If not, they've 12 been admitted. I have the same question on this one. 13 The question is do we have single party service, and 14 the answer is yes? 15 MR. COIT: Mr. Lee, are you here for Roberts 16 County or not? 17 18 MR. LEE: No. MR. COIT: Then we probably need to handle 19 20 that, I suppose, by the affidavit. 21 MS. WIEST: Okay. MR. LEE: Rich, are we talking about Roberts 22 23 County or --24 MR. COIT: Roberts County. MR. LEE: I know from another source other 25

than this that as manager of the South Dakota 1 Association of Telephone Co-ops and the daily requests 2 we've had there that they do, in fact, provide all 3 single party service throughout Roberts County Co-op, 4 if that will suffice for your information here. 5 MS. WIEST: Is that sufficient? 6 MS. CREMER: That's sufficient. 7 MS. WIEST: Okay. 8 CHAIRMAN BURG: I'll move we grant a waiver 9 for toll control in TC97-099 for one year. 10 11 COMMISSIONER NELSON: I'd second it. COMMISSIONER SCHOENFELDER: Concur. 12 MS. WIEST: TC97-100. 13 MR. COIT: We move for the admission of 14 Exhibit No. 1, which is the ETC request dated 6-19-97, 15 and admission of Exhibit No. 2, response to data 16 request dated 10-9-97. 17 18 MS. WIEST: Any objection? If not, they've 19 been admitted. Same question on this one. 20 MR. LEE: I don't know the answer. 21 MR. COIT: There is -- Mr. Lee is not here representing RC Communications today, so I suspect 22 23 we'll have to deal with that with a late-filed exhibit if that's okay. 24 MS. WIEST: Okay. 25

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1	CHAIRMAN BURG: I'll move we grant a waiver
2	for toll control in TC97-100 for one year.
3	COMMISSIONER NELSON: I'd second it.
4	COMMISSIONER SCHOENFELDER: Concur.
5	MS. WIEST. TC97-101.
6	MR. COIT: We move for the admission of
7	Exhibit No. 1, which is the ETC request dated 6-19-97,
8	and Exhibit No. 2, response to staff data request dated
9	10-14-97.
10	MS. WIEST: Any objection? If not, they've
11	been admitted. Any questions concerning this docket?
12	CHAIRMAN BURG: I'll move we grant waiver for
13	toll control in TC97-101 for one year.
14	COMMISSIONER NELSON: I'd second it.
15	COMMISSIONER SCHOENFELDER: Concur.
16	MS. WIEST: TC97-102.
17	MR. COIT: We move for the admission of
18	Exhibit No. 1, which is the ETC dated 6-19-97, and
19	Exhibit No. 2, which is a response to data request
20	dated 10-14-97.
21	MS. WIEST: Any objections? If not, 1 and 2
	have been admitted. Any questions concerning this
23	docket?
24	CHAIRMAN BURG: I'll move we grant a waiver
25	for toll control in TC97-102 for one year.

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1	COMMISSIONER NELSON: I'd second it.
2	COMMISSIONER SCHOENFELDER: Concur.
з	MS. WIEST: TC97-105.
4	MR. COIT: We move for the admission of ETC
5	request, Exhibit No. 1, dated 6-19-97, and admission of
6	Exhibit No. 2, response to data request dated 10-14-97.
7	MS. WIEST: Any objection? If not, Exhibits
8	1 and 2 have been admitted. Any questions concerning
9	this docket?
10	CHAIRMAN BURG: I'll move we grant a waiver
11	for toll control in TC97-105 for one year.
12	COMMISSIONER NELSON: I'd second it.
13	COMMISSIONER SCHOENFELDER: Concur.
14	MS. WIEST: TC97-108.
15	MR. COIT: We move for the admission of ETC
16	request, Exhibit No. 1, dated 6-23-97, and the
17	admission of Exhibit No. 2, response to staff data
18	request dated 10-14-97.
19	MS. WIEST: Any objection? If not, Exhibits
20	1 and 2 have been admitted. Same question. Can you,
21	Mr. Lee, answer that one? Is that single party service
22	available for
23	MR. COIT: For Faith.
24	MR. LEE: I do not represent them, I'm sorry.
25	MR. COIT: We would request permission to

46 provide that via affidavit. 1 2 MS. WIEST: Okay. CHAIRMAN BURG: I'll move we grant a waiver 3 for toll control in TC97-108 for one year. 4 COMMISSIONER NELSON: I'd second it. 5 COMMISSIONER SCHOENFELDER: Concur. 6 MS. WIEST: TC97-113. 7 MR. COIT: We move for the admission of A Exhibit No. 1, ETC request dated 6-25-97, and Exhibit 9 10 No. 2, response to data requests dated 10-9-97. MS. WIEST: Any objection? If not, they've 11 been admitted. I have the same question on this one. 12 13 MR. COIT: This is Armour. Bill Haugen can respond to your question. 14 MR. HAUGEN: Yes, I can answer that. 15 BILL HAUGEN, JR., 16 called as a witness, being first duly sworn, 17 was examined and testified as follows: 18 19 EXAMINATION 20 MR. HAUGEN: Good afternoon. 21 MS. WIEST: And I would just like to ask you 22 if you currently provide single party service to all of your customers in your area. 23 24 MR. HAUGEN: Single party service is available to all of our customers in Armour Independent 25

47 Telephone Company service area. It has been since the 1 late seventies. 2 MS. WIEST: Are there any others questions of 3 this witness? Thank you. 4 CHAIRMAN BURG: I'll move we grant a waiver 5 for toll control in TC97-113 for one year. 6 COMMISSIONER NELSON: I'd second. 7 COMMISSIONER SCHOENFELDER: Concur. 8 MS. WIEST: TC97-114. 9 MR. COIT: We move for the admission of ETC 10 request of the Bridgewater-Canistota Telephone Company, 11 which is dated 6-25-97, that's Exhibit No. 1. And also 12 move for the admission of Exhibit No. 2, which is 13 response to data requests of staff dated 10-9-97. And 14 Mr. Haugen is here as well to respond to any questions 15 in this docket. 16 MS. WIEST: First of all, any objection to 17 Exhibits 1 and 2? If not, they've been admitted. And 18 19 I would ask the same question. 20 MR. HAUGEN: Single party service is available to all the customers in the 21 Bridgewater-Canistota Exchanges. 22 MS. WIEST: Thank you. Any other questions 23 24 of this witness? 25 CHAIRMAN BURG: I'll move we grant a waiver

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1	for toll control in TC97-114 for one year.
2	COMMISSIONER NELSON: I'd second it.
3	COMMISSIONER SCHOENFELDER: Concur.
4	MS. WIEST: TC97-115.
5	MR. COIT: We would move the admission of
6	Exhibit No. 1, the ETC request of Union Telephone
7	Company, dated 6-25-97, and Exhibit No. 2, response to
8	data request which is dated 10-9-97.
9	MS. WIEST: Any objection? If not, Exhibits
10	1 and 2 have been admitted. And I would ask the same
11	question in this docket.
12	MR. HAUGEN: Single party service is
13	available to all the customers in the Union Telephone
14	Company service area, Hartford and Wall Lake Exchanges,
15	again, has been since late seventies.
16	MS. WIEST: Thank you. Any other questions
17	of this witness?
18	CHAIRMAN BURG: I'll move we grant a waiver
19	for toll restriction in TC97-115 for one year.
20	COMMISSIONER NELSON: I'd second it.
21	COMMISSIONER SCHOENFELDER: Concur.
22	MS. WIEST: Thank you. TC97-117.
23	MR. COIT: We move for the admission of
24	Exhibit No. 1, ETC request dated 6-30-97, and Exhibit
25	No. 2, response to data request dated 10-14-97.

MS. WIEST: Any objection? If not, Exhibits 1 1 and 2 have been admitted. Any questions concerning 2 this docket? 3 CHAIRMAN BURG: I'll move we grant a waiver 4 for toll control in TC97-117 for one year. 5 COMMISSIONER NELSON: I'd second it. 6 COMMISSIONER SCHOENFELDER: Concur. 7 MS. WIEST: TC97-121. 8 MR. COIT: We move for the admission of 9 Exhibit No. 1, the ETC request of Kadoka, dated 7-3-97, 10 and the admission of Exhibit No. 2, response to data 11 requests dated 10-28-97. 12 MS. WIEST: Any objections to Exhibits 1 and 13 2? If not, they've been admitted. Any questions 14 concerning this docket? 15 CHAIRMAN BURG: I'll move we grant a waiver 16 for toll control in TC97-121 for one year. 17 COMMISSIONER NELSON: I'll second it. 18 COMMISSIONER SCHOENFELDER: Concur. 19 MS. WIEST: TC97-125. 20 MR. COIT: We'd move for the admission of ETC 21 request, Exhibit No. 1, dated 7-7-97, and Exhibit No. 22 2, response to data request of staff, which is dated 23 10-29-97. 24 MS. WIEST: Any objection to Exhibits 1 and 25

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2? If not, they've been admitted. Any questions 1 concerning this docket? 2 CHAIRMAN BURG: I'll move we grant a waiver 3 for toll control in TC97-125 for one year. 4 COMMISSIONER NELSON: I'd second it. 5 COMMISSIONER SCHOENFELDER: Concur. 6 7 MS. WIEST: TC97-130. MR. COIT: We would move for the admission of 8 Exhibit No. 1, the ETC request dated 7-10-97, and 9 Exhibit No. 2, the response to data request dated 10 10-14-97. 11 MS. WIEST: Any objection to Exhibits 1 and 12 2? If not, they've been admitted. Any questions 13 14 concerning this docket? CHAIRMAN BURG: I'll move we grant a waiver 15 for toll control in TC97-130 for one year. 16 COMMISSIONER NELSON: I would second it. 17 COMMISSIONER SCHOENFELDER: Concur. 18 MS. WIEST: TC97-131. 19 MR. COIT: We would move the admission of ETC 20 request Exhibit No. 1, which is dated 7-10-97, and 21 Exhibit No. 2, response to data request dated 10-14-97. 22 23 MS. WIEST: Any objection to Exhibits 1 and 2? If not, they've been admitted. Any questions 24 concerning this docket? 25

CHAIRMAN BURG: I'll move we grant a waiver 1 for toll control in TC97-131 for one year. 2 COMMISSIONER NELSON: I'd second it. 3 COMMISSIONER SCHOENFELDER: Concur. 4 MS. WIEST: TC97-154. 5 MR. COIT: We would move into the record 6 Exhibit No. 1, the ETC request, dated 9-10-97, and also 7 Exhibit No. 2, the response to data riquest dated 8 9 10-16-97. MS. WIEST: Any objection to Exhibit 1 and 10 2? If not, they have been admitted. Let's see, on 11 this one this was one of a couple that no time period 12 was requested for the waiver. I assume you still want 13 14 the one year? MR. COIT: Mr. Barfield is here. He could 15 respond. He's Mr. Bob Barfield, manager for West 16 River. 17 MS. WIEST: They request a waiver but this is 18 one of the few ones that didn't ask for one year, as 1.9 far as I can see, or any time period. So I was 20 wondering if there was any different time period that 21 was being requested. 22 BOB BARFIELD, 23 called as a witness, being first duly sworn, 24 was examined and testified as follows: 25

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1	EXAMINATION
2	MR. BARFIELD: In response to your question,
3	since the vendor does not have a date, as far as we
4	know, at this time to provide this, that's the reason
5	we didn't ask for a certain time period on the waiver.
6	MS. WIEST: But we will need a time period.
7	MR. COIT: Would you be willing to accept the
8	one-year time period that is being granted to other
9	companies?
0	MR. BARFIELD: We sure would.
.1	CHAIRMAN BURG: And I think the thought
2	behind it is if there still isn't any solution, then it
3	would be renewed or we'd request. With that, I'll move
4	that we grant a waiver for toll control in TC97-154 for
5	one year.
6	COMMISSIONER NELSON: I would second it.
17	COMMISSIONER SCHOENFELDER: Concur.
. 8	MS. WIEST: Let's go to TC97-155.
9	MR. COIT: We would request admission of
2.0	Exhibit No. 1, which is the ETC request of Mobridge
1	Telecommunications, which is dated 9-10-97, and also
2	Exhibit No. 2, which is the response to data request
3	dated 10-16-97.
4	MS. WIEST: Any objection? If not, Exhibits
15	1 and 2 have been admitted. And I would have the same

question with respect to the length of the waiver. 1 MR. BARFIELD: And the response would be the 2 same. We would ask for a year on the waiver. 3 MS. WIEST: Thank you. Any other guestions? 4 CHAIRMAN BURG: With that I'll move that we 5 6 grant a waiver on toll control in TC97-155 for one year. 7 COMMISSIONER NELSON: I'd second it. 8 9 COMMISSIONER SCHOENFELDER: I concur. 10 MS. WIEST: Thank you. Let's skip to 11 TC97-167. 12 MR. COIT: I would just note that Three River Telco is not an SDITC member company, so I'm not really 13 here today to represent Three River Telco. 14 15 MS. WIEST: Nobody is here? CHAIRMAN BURG: Do we have any questions on 16 17 it, or do we have to have representation? MS. WIEST: Somebody needs to move it in. 18 MR. COIT: Well, if you're looking for a 19 body, I guess I can serve as the body. 20 MS. CREMER: Otherwise, I can move to admit 21 22 the two exhibits, Number 1, 10-10-97, the request for ETC, and 11-7-97, the amended -- oh, I'm sorry, that's 23 24 U S West. Let me try that again. 10-16 of '97 is the 25 request and 11-13-97 is the amended request, and I

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54 would ask that they be admitted in. 1 MS. WIEST: Any objection? If not, they've 2 been admitted. Are there any questions concerning this 3 docket? I would note that their application does 4 request a waiver for one period for toll control. 5 CHAIRMAN BURG: There isn't a question on the 6 single party line, though, is there? 7 MS. WIEST: No. 8 9 CHAIRMAN BURG: I'll move we grant a waiver for toll control in TC97-167 for one year. 10 11 COMMISSIONER NELSON: I'd second. COMMISSIONER SCHOENFELDER: Concur. 12 MS. WIEST: At this time did you want to go 13 to U S West, or is Harlan going to speak to these 14 dockets? 15 16 MS. CREMER: We'll finish up these first. 17 MS. WIEST: Okay. (STAFF'S EXHIBIT NO. 1 WAS MARKED FOR 18 19 IDENTIFICATION.) 20 HARLAN BEST, 21 called as a witness, being first duly sworn, 22 was examined and testified as follows: 23 DIRECT EXAMINATION BY MR. HOSECK: 24 Q. Would you state your name for the record, 25

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1	please.
2	A. Harlan Best.
3	Q. And what is your job?
4	A. I am deputy director of fixed utilities for
5	the Public Utilities Commission, South Dakota.
6	Q. And have you been present in the hearing room
7	this afternoon for the hearing on these applications?
8	A. Yes.
9	Q. And have you had the opportunity to review
10	the caption in the notice of this hearing which lists
11	the cases which are before the Commission on this date?
12	A. Yes.
13	Q. And are you familiar with the applications in
14	each of these cases?
15	A. Yes.
16	Q. As a part of your job, have you reviewed
17	those applications?
18	A. Yes, I have.
19	Q. You have before you an exhibit numbered
20	Staff's No. 1; is that correct?
21	A. Yes.
22	Q. And is that an exhibit that you prepared in
23	the course of your duties?
24	A. Yes, it is.
25	Q. Just briefly explain to the Commission,

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1	please, what that exhibit entails.
2	A. What I have done on this exhibit is across
3	the top is listed each of the companies requesting
4	eligible telecommunications carrier status, the
5	associated docket number, and the staff counsel that is
6	assigned to the respective dockets. Down the side, the
7	left-hand side, is the requirements that are set forth
8	for ETC status. Populated within the columns is the
9	responses that the respective companies gave within
10	their exhibits 1 and Exhibit 2 that have been admitted
11	into the record.
12	Q. And are there any changes or corrections to
13	this exhibit that you would like to make at this time?
14	A. One that I am aware of is under Vivian
15	Telephone, Docket TC97-068, under the Lifeline and Link
16	Up it shows that it will be available 1-1-97. It
17	should be 1-1-98. I'm not aware of any other
18	corrections.
19	MR. HOSECK: Okay. At this point in time I
20	would move Staff's Exhibit No. 1 into evidence. This
21	is intended as testimony for all of the dockets en mass
22	with the exception of U S West.
23	COMMISSIONER SCHOENFELDER: U S West is on
24	here though.
25	MR. HOSECK: That would be handled later.

57 MS. WIEST: Is there any objection? 1 MR. COIT: My comment would be that I just 2 3 received this so I haven't had an opportunity to go through to make sure this is all accurate. I guess I 4 can take Mr. Best's word that it is accurate and I'll 5 have to do that, I guess. Other than that, I don't 6 7 have any comment. MS. WIEST: Do you want an opportunity to 8 look it over? 9 MR. COIT: Well, it might take me a while, so 10 11 I don't have any objection. MS. WIEST: Okay. Then Staff Exhibit No. 1 12 will be admitted into all of the dockets that we have 13 14 gone through so far. MR. HOSECK: Okay. Thank you. 15 Q. Based on the review of these dockets that you 16 have done and relying to whatever extent you may on 17 Staff's Exhibit No. 1, did the applicant companies meet 18 19 the requirements of becoming an eligible telecommunications carrier? 20 A. Yes, they have, with the noted late-filed 21 affidavits that will be done in a number of the 22 23 dockets. Q. And with regard to advertising services 24 exchange-wide, do you have a recommendation to the 25

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1	Commission for a provision to be included in an order
2	which would come out of these proceedings?
3	A. Yes. Staff's recommendation for advertising
4	would be that the ETC carrier be required to advertise
5	at least once each year; and if they have any rate
6	change, that that rate change be advertised when it
7	does change.
8	Q. And in conclusion, do you have an opinion as
9	to whether or not the applicants contained on Exhibit
10	1, with the exception of U S West which has not had its
11	case heard yet at this time, whether or not those
12	applicants meet the qualifications as an eligible
13	telecommunications carrier?
14	A. With staff's review that has been undertaken,
15	yes, they do meet the requirements for ETC status.
16	MR. HOSECK: I have no further questions of
17	this witness.
18	MS. WIEST: Are there any questions of this
19	witness? Mr. Coit?
20	CROSS-EXAMINATION
21	BY MR. COIT:
22	Q. I assume when you talked about advertising
23	rate changes that you're referencing the rates just for
24	the essential services that are supported by universal
25	service?

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1	A. Yes.
2	MR. COIT: No further questions.
3	MS. WIEST: Ms. Rogers?
4	MS. ROGERS: No, no questions.
5	MS. WIEST: Mr. Heaston?
6	MR. HEASTON: No.
7	CHAIRMAN BURG: The only question I'd have is
8	there any is advertising identified in any way? Is
9	there any criteria for what advertising means in the
10	context of this? Is the methods in the FCC Order as
1	well?
12	MS. WIEST: I'm sorry, what was the
13	question?
4	CHAIRMAN BURG: The question I had for Harlan
5	or anybody else is, is there a meaning, is there a
. 6	description, definition for advertising, what that
7	constitutes?
8	MS. WIEST: Under the statute itself
9	214(e)(1)(B) they must advertise the availability of
0	such services and if you're referring to the services
1	that are supported by federal universal service and the
2	charges therefore using media of general distribution.
3	CHAIRMAN BURG: Okay. I think that satisfies
4	me.
5	COMMISSIONER NELSON: Does that mean for

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Lifeline and Link Up, they have to advertise this 1 2 once? MS. WIEST: That would be under staff's 3 recommendation, I believe. 4 A. Yes, once each year. 5 6 COMMISSIONER NELSON: Well, frankly, I don't 7 think it's adequate. COMMISSIONER SCHOENFELDER: Are you doing 8 that? Are you -- to follow up -- excuse me, to follow 9 up on Commissioner Nelson's question, are you 10 recommending that they advertise once each year after? 11 12 I believe our order said that you have to send an 13. application to everyone once initially and then to 14 every new customer. You're requesting this 15 advertisement of Lifeline, Link Up in addition to, 16 would that be accurate or not? 17 A. Right. The Lifeline, Link Up under TC97-150, 18 which was issued yesterday, states that it shall be a form shall be, or a letter shall be sent to present 19 20 customers, and then this would be an advertisement of it. They'd have to do advertisement of this for at 21 22 least once each year. COMMISSIONER SCHOENFELDER: Okay. Thank you. 23 COMMISSIONER NELSON: So is the answer to 24 25 Laska's questions it's in addition to?

61 Yes. They would do it originally, and once a Α. 1 year after. 2 3 MS. WIEST: How would they advertise? Where? 4 Α. Where would they advertise? 5 MS. WIEST: Yes. 6 7 A. Whatever general distribution it meets according, I assume, it means newspapers and those 8 types of publications. 9 10 MS. WIEST: So it could be any type of 11 general distribution media once a year? A. Whatever is available within their given 12 13 exchanges that they serve. MS. WIEST: And it would only be for those 14 services supported right now by federal universal 15 service? 16 A. Yes. 17 18 MS. WIEST: And every time they changed a rate for one of those services, then that would have to 19 be re-advertised at that time? 20 21 A. Yes. MS. WIEST: Are there any other questions of 22 this witness? If not, thank you. Actually, I do. 23 Could you retake the stand, Harlan? I guess we have a 24 question for you. Could you look at your exhibit for 25

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1	Venture Communications, TC97-095?
2	A. Yes.
3	MS. WIEST: Does the answer to number four,
4	single party service, we did grant them a waiver
5	because currently they do not have single party service
6	apparently to three customers?
7	A. Yes.
8	MS. WIEST: So would that be incorrect there,
9	your question there?
10	A. It would be a clarification there to it, yes.
11	MS. WIEST: Okay. Thank you. Do you have
12	anything further, Mr. Hoseck?
13	MR. HOSECK: Staff has nothing further.
14	Thank you.
15	MS. WIEST: Do you want to take a short break
16	until we go to U S West?
17	MR. COIT: When does the Commission are
1.8	you going to wait until the end to rule on all of these
1.9	with respect to the actual ETC designation?
2.0	MS. WIEST: That's why we're taking a short
21	break.
2 2	(AT THIS TIME A SHORT RECESS WAS TAKEN.)
23	MS. WIEST: Let's get started again. And we
2.4	will go to TC97-163.
2.5	MR. HEASTON: And I would move admission of

Exhibit 1, which is the request, and Exhibit 2, which 1 is the amended request, and Exhibit 3, which is the 2 service territory map. That's Exhibit 1, 2 and 3 3 4 respectively in the docket. MS. WIEST: Any objection to Exhibits 1, 2 5 and 3? Do you have a copy of the service territory 6 map? Are there any objections to Exhibits 1, 2 and 3? 7 If not, they've been admitted. You may proceed, 8 Mr. Heaston. 9 MR. HEASTON: We would also join in the 10 motion on the toll control. The reason we did not seek 11 a waiver in the initial application is because as I 12 read Paragraph 388 of the Order in the DA 97-157 13 indicated that toll blocking would be sufficient in the 14 meantime and it was dependent upon when you upgraded 15

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16 switches. And so we do not feel we need a waiver of 17 toll control, but the common wisdom seems to be there 18 needs to be a waiver, so we will follow the herd here 19 and request the toll control waiver also.

And we are also one of the parties to the request of the FCC to reconsider the toll limitation. that this includes both toll blocking and toll control. And I guess we would also point out that with the implementation of number portability that is going to impact toll control somewhat significantly. And so

1	while we agree with Bob Barfield in his observation
2	that since we don't know when it's going to happen,
3	that's why we wouldn't want a time limit on it, but we
4	are willing to accept the one year with the
5	understanding that if there is not the ability to
6	implement it or if the ability is too expensive to
7	implement, that we would be able to come back to this
8	Commission and seek further waiver of that, of
9	implementing toll control with part of the essential
10	telecommunications carrier obligation.
11	MS. WIEST: Okay. Would the Commissioners
12	CHAIRMAN BURG: Did we admit the exhibits?
13	MS. WIEST: Yes.
14	CHAIRMAN BURG: I'll move that we waive toll
15	control for TC97-163 for one year.
16	COMMISSIONER NELSON: Well, I'm going to
17	second it, but I heard an expansion of what we've been
18	waiving in the past from giving them one year with the
19	idea we're going to renew it. And the reason I was
20	willing to grant it is because technology is not out
21	there. Now, the Act requires that it be there and it
22	didn't say anything about how much it cost. So I
23	didn't hear anything about one of the reasons we were
24	waiving it in the past was because that it might be
25	cost prohibitive as much as because technology wasn't

65 there. I can understand why technology wasn't there, 1 but I didn't -- I wasn't in Congress when they voted 2 that was part of the Act. 3 MR. HEASTON: It's not part of the Act. I 4 guess that's the first thing. It's an FCC --5 COMMISSIONER NELSON: It's a rule. 6 MR. HEASTON: It's an FCC dictate. 7 COMMISSIONER NELSON: But it has the same 8 weight as the rules and statute unless it's changed in 9 10 court; right? MR. HEASTON: That's true. But unless the 11 FCC changes, as we've urged them to do. 12 13 COMMISSIONER NELSON: Right. So I'm 14 seconding your motion with the understanding it's 15 exactly as we had stated it originally; is that correct? 16 CHAIRMAN BURG: I mean the motion was for one 17 18 year. COMMISSIONER SCHOENFELDER: I believe the 19 20 motion was for one year, a waiver for one year, and I 21 didn't know that the motion had anything more than 22 that, than just a waiver from toll control for one 23 year. CHAIRMAN BURG: It doesn't. 24 25 COMMISSIONER SCHOENFELDER: Then I'll concur.

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1	COMMISSIONER NELSON: All I'm saying, though,
2	is I voted for it and there will be a record that I
3	voted for it; and the reason I voted for it was the
4	technology wasn't available. And that's a lot
5	different in my mind than it's cost prohibitive.
6	COMMISSIONER SCHOENFELDER: I think
7	COMMISSIONER NELSON: Not that that wouldn't
8	be an issue in my mind that you could debate. I don't
9	want a record that I'm supporting something for a
10	different reason than I did.
11	CHAIRMAN BURG: Just a comment that I'd make
12	on it, I guess. If there isn't a technology, I really
13	hate to see all 50 or 75 filings just for an
14	extension. If there is some way we could certify there
15	is no technology and extend it as we come up towards
16	that year, I'd welcome that solution rather than go
17	through this with this many of them. I, personally, in
18	my own mind, cannot see a solution when we're going to
19	have multiple companies in number portability. It
20	boggles my mind to see how that's even going to happen
21	that you could end up with any kind of toll
22	limitation. So I'm guessing when we come up to the
23	year, we're still not going to have a solution, and I'm
24	not looking toward to requiring all of you I mean
2.5	that's the name of a bureaucrat to file that many

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	pieces of paper. So if we can find a way to
2	consolidate it at that time, I would welcome any
3	suggestions. That's all I have.
4	MR. HEASTON: I have Mr. Lehner available
5	here, and we do have a couple questions to ask him.
6	JON LEHNER,
7	called as a witness, being first duly sworn,
8	was examined and testified as follows:
9	DIRECT EXAMINATION
10	BY MR. HEASTON:
11	Q. Mr. Lehner, in our application we described
12	the issue of eliminating multi-party services and going
13	to single party service throughout U S West service
14	areas. Can you update the Commission on the status of
15	that consistent with what we've already put in the
16	application?
17	A. Yes. As of October 31 of this year the
18	number of multi-party or two- and four-party customers
19	in U S West's territory is 612. 612.
20	CHAIRMAN BURG: What was the date on that,
21	Jon?
22	A. As of 10-31-97.
23	Q. And what can you tell the Commission about
24	our continuing effort to eliminate the multi-party
25	service?

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68 The plan right now is to eliminate all of A . 1 those 612 except for 52 of them. And the time frame 2 for that will be by the end of the second quarter, 3 which I suppose we could put for a date of 6-30 of 4 '98. So all but 52 of those will be completed by 6-30 5 of '98. 6 And what about the remaining 52? 7 0. A. The remaining 52 are extremely high cost 8 upgrades. And until other technology or other means 9 10 become available, there are no plans right now. We have no plans to move ahead with those 52. 11 Q. With that we still believe that it is 12 13 appropriate for us to -- we still believe the waiver is appropriate in this case; is that correct? 14 15 A. That is correct. MR. HEASTON: That's all the questions I 16 have. 17 MS. WIEST: Ms. Cremer? 18 19 CROSS-EXAMINATION BY MS. CREMER: 20 21 Q. Mr. Lehner, where are those 52 located? Are they spread throughout, or are they in a specific area, 22 do you know? 23 A. I could read them off for you. There's about 24 a dozen exchanges. Or I could give you a late-filed 25

69 exhibit. Let me just read them off. Arlington is 1 2 four; Belle Fourche, six; De Smet, four; Huron, three; 3 Lake Preston, one. 4 COMMISSIONER NELSON: Do you want to start over? 5 A. Arlington, four; Belle Fourche, six; De Smet, 6 four; Huron, three; Lake Preston, one; Madison, two; 7 Milbank, four; Pierre, two; Redfield, two; Sisseton, 8 9 six; Spearfish, two; Volga, five; Watertown, ten; Yankton, one. 10 Q. Is there a particular reason? Is it like 11 Anaconda line or something? 12 13 A. It's a combination of many factors, but you mean as far as the 52 are concerned? 14 Q. Yes. 15 16 A. It's a combination of many factors. We're talking about feeder distribution, we're talking about 17 in some cases a PAIR GAIN systems like Anaconda that 18 would need to be replaced. 19 MS. CREMER: Okay. That's all the questions 20 I have. 21 22 CHAIRMAN BURG: Have you investigated any other technical solutions other than to a single party 23 other than line extension? 24 A. You mean in order to provide a single party 25

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1	service to these customers?
2	CHAIRMAN BURG: Yes.
3	A. Yes. I think the answer is we are constantly
4	looking for a cheaper way to do this because in some
5	cases, Commissioner, we're talking about over \$100,000
6	to upgrade a single customer, and it just doesn't make
7	sense to do that. And the answer would seem to lie
8	probably in some form of wireless, but so far the
9	wireless technologies, whether then satellite or fixed
10	wireless, are still pretty expensive. I see that as
11	the ultimate solution, though, to some of these.
12	CHAIRMAN BURG: I'm going to move to grant
13	the waiver.
14	MS. WIEST: Just a second. Do the
15	Commissioners have any other questions? As opposed to
16	the other ones, I'm going to have to ask you some
17	questions to verify things that were in the application
18	because that was signed by Mr. Heaston. It wasn't
19	signed by a witness with an affidavit, as all the
2.0	others were. So bear with me for a second.
21	A. I've never trusted his signature either.
22	MS. WIEST: First one, does U S West provide
23	voice grade access to the public switched network to
24	all in its service area?
25	A. Yes.

71 MS. WIEST: And does it provide local usage? 1 2 A. Yes. MS. WIEST: Do you provide dual tone 3 multi-frequency signalling or its functional 4 5 equivalent? 6 A. Yes. 7 MS. WIEST: Do you provide access to your 8 emergency services? 9 A. Yes. MS. WIEST: Do you provide access to operator 10 11 services? 12 A. Yes. M . WIEST: Do you provide access to 13 interexchange service? 14 15 A. Yes. MS. WIEST: And do you provide access to 16 directory assistance? 17 18 Α. Yes. MS. WIEST: And you've already talked about 19 toll control and the waiver. Do you provide or are you 20 able to provide toll blocking? 21 22 A. Yes. MS. WIEST: Then getting back to your request 23 for the waiver on single party service, I know in your 24 application you talked about the ones that you have no 25

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plans, you know, of providing service due to the cost and everything. My problem, I guess, is that I don't see that there is any de minimus exception within the FCC rules with respect to single party service. Have you been granted any of this type of de minimus exception to that requirement, do you know, in any of the other states?

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A. I am not aware.

MS. WIEST: And what I'm getting at is that 9 it appears, according to the FCC rules -- and I'm 10 looking at 47 54.101(c), that in order to grant any 11 additional time to complete network upgrades for single 12 party or enhanced 911 or toll limitation, that the 13 Commission does in fact have to set a time period for 14 you to complete those network upgrades. Is your 15 16 contention that we do not?

A. I would not make that contention. I'm going
 to let my attorney argue with you about that.

MS. WIEST: Well, then, I do have a couple other questions. My other question is on service area. And it is also a requirement of the state Commission to designate service areas as opposed to study areas for nonrural telecommunications companies. First of all, you would agree that you are a nonrural telecommunications company?

1	A. Yes.
2	MS. WIEST: And in the FCC's public notice
3	96-45 issued 9-29-97, it does state that we must send
4	to USAC the names of the ETC's and the designated
5	service areas for nonrural carriers no later than
6	December 31st, 1997. And I know you made some
7	reference to these things in your application, but I
8	don't think you really told us what you want your
9	service area to be. Because the FCC has told us that
10	we better not adopt your study area as your service
11	area for large ILEC's. Do you have service areas for
12	your company that you want the Commission to adopt at
13	this time?
14	A. Well, I suppose that and, Bill, jump in
15	here, I guess, to help me with this. But I suppose
16	that our service area ought to be our exchanges in the
17	state of South Dakota. Now, the study area is a
18	different issue and that has not been determined yet.
19	But I would think that our service area would be our
20	exchanges that we serve in the state of South Dakota.
21	MR. HEASTON: If I may from a legal
22	standpoint, there is no definition yet; and certainly
23	our service area would be those areas within which we
24	are authorized to provide the supported services.
25	MS. WIEST: Right. And that's my question.

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1	MR. HEASTON: From a general perspective, I
2	guess, if that's what you're looking for is what you
3	would designate to the FCC would not be anything
4	outside the area where we're authorized or certified to
5	provide service. When it comes to where the areas are
6	going to be that would be where the services would be
7	supported by a universal service fund, whether it's
8	high cost or low income or libraries or whatever it
9	happens to be, you know, that's an area that's
10	currently under debate depending upon which proxy cost
11	model is going to be accepted. And so that's why we
2	are somewhat vague on that term because what this
13	Commission has not done and nor has the FCC come out
14	with any final decision as to what model it is going to
15	accept. So I think if we're required to take a look at
16	a "service area," I would do it from the standpoint of
17	what Jon to comply with the law. If that's what
18	we're looking for, to comply with the FCC requirement.
19	I think that's what we would look at is an area,
2.0	though, no larger than an exchange area, which we would
21	equate to a wire center or an exchange area. And we
22	have however many are on that.
23	MS. WIEST: He how many exchanges do you
2.4	still have?
25	MR. HEASTON: It's on the list we submitted.

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1	A. I can't answer that exactly. It's
2	approximately 35.
3	MS. WIEST: It would be attached?
4	MR. HEASTON: It's on our exhibit to our
5	application.
6	MS. WIEST: So however many with the
7	amendment the three that were missed. That's how many
8	service areas you would like the Commission to
9	designate for U S West at this time?
10	A. I guess I'm not sure whether we would want to
11	designate each exchange.
12	MS. WIEST: My problem is we are supposed to
13	tell the FCC by December 31st what your designated
14	service area is.
15	A. Then I suppose we ought to do it exchange by
16	exchange.
17	MS. WIEST: If you want more time to think
18	about it
19	MR. HEASTON: Yes, I think I would. I mean
20	this is not something that's come up in the other two
21	states that I've done this in, and I had the same basic
22	application. I will have to I will do a late-filed
23	exhibit on that if I could with an affidavit from Jon.
24	MS. WIEST: Okay.
25	MR. HEASTON: What are you relying on again,

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76 Rolayne? 1 MS. WIEST: Actually what as far as the FCC's 2 public notice, that was docket 96-45 DA 97-1892 issued 3 9-29-97. 4 MR. HEASTON: 1892. 5 6 MS. WIEST: And I'm also relying on paragraphs 185, 192, 193 of the FCC's universal service 7 order. 8 MR. HEASTON: 197, 175. 9 MS. WIEST: 157 or --10 MS. CREMER: 185, 192. 11 MS. WIEST: The docket number for the FCC 12 universal service. 13 2.4 MR. HEASTON: Not the docket number but the 15 order number, the order number. 16 MS. WIEST: Okay. I was looking at 185, 192 17 and paragraph --18 MR. HEASTON: I got those. Was it FCC 19 97-157? MS. WIEST: 157, right. And the other thing 20 21 you might want to address in paragraph 185, for example, it does say if a state PUC adopts its existing 22 service areas for large ILEC's, their study area, this 23 would erect significant barriers to entry. We are also 24 encouraged to consider designating service areas that 25

1 require an ILEC to serve areas other than they have not 2 traditionally served.

MR. HEASTON: Yes. And, see, this -- what 3 the problem this causes is where you have not 4 considered and have left to the FCC to determine how 5 that's going to be modeled from a proxy standpoint. 6 And, yes, we are advocating smaller geographic elements 7 than the wire center for universal high cost support 8 but I do not have a South Dakota specific look because 9 this Commission decided not to do their own earlier 10 this -- a couple months ago, as opposed to Wyoming and 11 North Dakota where I do have that because those two are 12 looking at doing their own, or suggesting their own 13 cost study. So I do have the small grids, as we call 14 it, and I could identify that for you. I cannot 15 identify anything smaller than right now than a wire 16 17 center.

18

MS. WIEST: Okay.

MR. COIT: Excuse me, may I comment briefly on this? And I understand that I'm not a party but I do believe it was my understanding today that the whole issue of disaggregated service areas for U S West or any other company may come up. But I would like to say we certainly have an interest in the issue. And I think that the FCC rules indicate that -- the orders

1	and the rules indicate that before changing an existing
2	service area, that the Commission at the state level
3	needs to find that it's consistent with universal
4	service requirements. So I think it's a really
5	involved involves a lot more than the review of
6	actually looking at ETC service obligations. You're
7	talking about making changes in a U S West service area
8	that could significantly change the level of support it
9	might receive under a federal universal service fund.
10	Decisions on U S West service area disaggregation and
11	so forth could certainly impact rural telephone
12	companies as well. And I guess going into this
13	proceeding it was our understanding that there are
14	certain established incumbent LEC service areas, and we
15	didn't understand, I guess, that we that the issue
16	in this U S West docket or any of the other ones would
17	be with regard to disaggregating service areas.
18	MS. WIEST: I'm not talking about
19	disaggregating service areas. And I think you have to
20	recognize the distinction that was made between
21	nonrurals and rural companies with respect to service
22	area. If we want to look at doing anything to rural
23	companies with respect to disaggregation, we have to

25 about, and that's the reason why I only brought up this

24

specifically petition the FCC. That's all I'm talking

issue with respect to U S West. And it's just my 1 understanding the Commission does have to do the 2 service area in order for U S West to get your 3 universal service money. 4 MR. HEASTON: If I could have until whatever 5 date was suggested earlier on getting the additional 6 7 affidavits in, I'll have a recommendation for you from U S West on that. 8 MS. WIEST: Okay. Are there any other 9 questions of this witness? One more question, 10 Mr. Lehner. Do you have any observation to what 11 Mr. Best suggested as advertising requirements for your 12 13 company? A. I'm not sure that I understood exactly what 14 he was requiring. If the requirement is to advertise 15 it once a year in the newspaper, I don't think we have 16 17 a problem with that. MS. WIEST: And getting back to single party 18 19 service is high cost, the only barrier is to provide single party service to those 52 customers? 20 A. Yes. 21 22 MS. WIEST: Is it also U S West's position that the settlement agreement that you've stated is 23 suspended concerning single party service no longer 24 applies where I believe you stated you would have 25

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1	single party service to all customers by the year 2000?
2	A. Had the 121 investment program continued, I
3	would have been out here talking to the staff and to
4	you about these anyway, because as we honed down to
5	some to the last few on some of these exchanges, it
6	became obvious that this was this is foolish to
7	spend that kind of money with the current technology.
8	Just doesn't make any sense.

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MS. WIEST: That's all I have. Mr. Heaston,
you might also want to address the question of whether
the Commission has the authority to provide any de
minimus exception to the single party without putting
the time line on it.

MR. HEASTON: I don't know that de minimus is 14 the issue, but I do think that you could put a time 15 line on it and make it renewable that we would have to 16 come in. I think what the rule would allow you to do 17 is require us to come in on a regularly-scheduled 18 basis, maybe annually, maybe semi-annually, to update 19 the Commission of where we are technologywise in taking 20 care of these last 52. That would be my position on 21 this is that that puts a time limit on and it makes it 22 driven by the technology and the affordability of it. 23 MS. WIEST: Okay. Any other questions? 24 COMMISSIONER SCHOENFELDER: I have a question 25

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1	of Mr. Lehner. And the reason I have a question is
2	because in your amended application you might have
3	addressed it, however, I don't have a copy of that and
4	I apologize. But you addressed in here and you have an
5	exhibit on your original application that regards
6	Lifeline, Link Up. And basically what it is it's your
7	tariff, or a page that looks like a tariff page to me.
8	Now, U S West really intends to comply with the
9	Commission order in Lifeline, Link Up?
10	A. Absolutely.
11	COMMISSIONER SCHOENFELDER: I need to know
12	that.
13	A. And that page doesn't apply any more.
14	COMMISSIONER SCHOENFELDER: Thank you.
15	MS. WIEST: Any other questions? Thank you.
16	COMMISSIONER NELSON: I guess I have a
17	question. You know, you when you were talking about
18	why you shouldn't have to provide this single party
19	systems for these areas that you listed like Spearfish
20	and Pierre and all the list that you went through
21	A. Yes.
22	COMMISSIONER NELSON: Why would it it just
23	seems weird to me that it would be that expensive to
24	provide those services in some areas. Like Pierre and
25	Huron, those are pretty I mean can you explain that

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1	to me a little bit because I find that a little odd.
2	A. The high cost we're talking about in many
3	cases, not only replacing, we're talking about
4	customers that were engineered probably back in the
5	sixties and seventies to multi-party service with no
6	intention of having single party service. So we're
7	talking in many cases miles and miles of distribution
8	cable, some cases six pair, 11 pair, maybe even greater
9	pair. So we're talking about now having to replace
10	that cable with probably 50 pair or a hundred pair
11	cable. And we're also talking about many cases where
12	at the end of that cable we have to extend what some
13	people will call a drop, what I call a pair of wires,
14	sometimes several miles. And in order to provide
15	single party service well, I take that back in that
16	case. The drop piece of that will be okay. I was
17	thinking of if they have more than one line. But we're
18	talking about distribution cable, we're talking about
19	feeder, and we're talking in some cases about PAIR GAIN
20	systems that are just plain full. I'm talking about
21	systems that you've heard like Anaconda that are going
22	to need to be replaced. It's expensive.
23	COMMISSIONER NELSON: I guess in my mind it
24	seems to me that cost prohibitive I didn't exactly
25	envision exactly what you were just explaining to me
	, , , , , , , , , , , , , , , , , , ,

1	because I was thinking maybe these lines had to be run
2	out miles and miles and miles and there's nobody out
3	there or something. But if this is in a fairly
4	populated area, and it doesn't seem to me that these
5	people should have to live with just two party
6	telephone system when most of the world doesn't, as we
7	know it in South Dakota, doesn't have to do that
8	because the lines are all filled up. I mean I'm
9	looking for some reason why that's acceptable,
10	especially when some of those little companies are
11	saying that they got maybe three or four people left
12	that they don't have that service for and they've made
13	every effort to say, well, we want a waiver but we will
14	do it by the end of the year or whatever.
15	A. I think that most of the companies you've
16	been listening to up until now and I obviously can't
17	speak for them, but I think you're talking about
18	engineering that was done probably 15, 20 years ago in
19	most of these companies' cases where they at the time
20	spent the money to do that. We did not do that. We
21	provided distribution systems that were literally
22	designed not to provide single party service. There
23	are different funding mechanisms and different
24	requirements that we've had. They've had the ability
25	to spend that kind of money and recover it. Now, I can

spend \$100,000 or \$150,000 or 50,000, whatever it is, to do these, but somewhere that has to be recovered and it isn't going to be recovered from a customer. That customer isn't going to pay for that.

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5 COMMISSIONER NELSON: It seems to me this 6 flies in the face of what the governor's bill said last 7 year. I mean here we're talking making available high 8 technology to everybody in South Dakota. Basically 9 that's what the bill says. And we're talking here some 10 people that aren't even going to have single party 11 telecommunication in this state.

A. Commissioner, all I can tell you is what the cost is. And I think that's -- I think that's, unless there's a recovery mechanism, it would make no sense to spend that kind of money. And I certainly wouldn't recommend it.

17 CHAIRMAN BURG: The question I have in the 18 LEC industry when we have these kind of situations once 19 in a while there's another provider that is closer that 20 can do it. Would that be the case to any of these? 21 Would that be a reasonable solution ever?

A. Yes, it would. And, Commissioner, if there is any company in this room that would like to serve any of these 52, I would be happy to negotiate.

25

CHAIRMAN BURG: I think maybe when we're down

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1	to 52, we ought to get a list of those names and see if
2	we could work it out. I share what Counsel has said.
3	I'm not sure we can make the exception. I know that
4	U S West's counsel has given us what I call a short
5	term one, that in other words, we could give the waiver
6	for a limited period of time, but I don't know that's
7	an indefinite solution and we probably ought to work
8	look at working together to meet and find the solution
9	to meet the FCC rules I think if we can. But so many
10	maybe, I guess, what I would like to request is the
11	actual name and location of those 52 filed at some
12	time. I don't care whether it's part of this docket or
13	not.
14	A. I think that can be provided.
15	MS. WIEST: Any other questions? If not,
16	thank you.
17	CHAIRMAN BURG: I suppose we do need some
18	type of waiver in order to grant them an ETC status.
19	MS. WIEST: Sorry, for which now?
20	CHAIRMAN BURG: For single party.
21	MS. WIEST: At this time staff has a witness
22	on this case first.
23	MS. CREMER: Staff would call Harlan Best.
24	HARLAN BEST,
25	called as a witness, being previously sworn,

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86 was examined and testified as follows: 1 DIRECT EXAMINATION 2 BY MS. CREMER: 3 Q. Harlan, were you the analyst assigned to 4 5 TC97-163, U S West's application? 6 A. Yes. 0. And have you reviewed that application by U S 7 West? 8 9 Α. Yes. Q. And would you agree with Mr. Lehner when he 10 testified earlier that they met all the requirements of 11 47 CFR 54-101? 12 A. That they have met those? 13 14 Q. Yes. A. Yes, with the discussion that we've had on 15 16 single party. Q. Right. Okay. And at your recommendation for 17 advertising, would that be the same for U S West as it 18 was for the others? 19 Α. 20 Yes. Q. And what would your recommendation be for the 21 Commission in defining a service area for U S West? 22 A. It would be the wire center. 23 MS. CREMER: That's all the questions I would 24 25 have.

87 MS. WIEST: Any questions, Ms. Wilka? 1 MS. WILKA: No questions. 2 MS. WIEST: Commissioners? 3 CHAIRMAN BURG: The question I'd have is 4 based on that, should we not -- I mean is this -- what 5 do I call it? Is this a document that is filed in 6 these hearings? 7 MS. CREMER: Yes. 8 9 CHAIRMAN BURG: I guess I think we ought to correct that exhibit to put no on each of those that 10 we've made a waiver for on the single party because I 11 believe the answer is no and we've made a waiver to 12 satisfy that. 13. 14 MS. CREMER: Okay. 15 CHAIRMAN BURG: Since that's filed. 16 COMMISSIONER SCHOENFELDER: We have not moved 17 for a waiver in that area, have we? CHAIRMAN BURG: Yes, for six months on one 18 19 other company. MS. WIEST: We have two single party waivers 20 so far, but U S West we haven't moved yet; right? 21 22 CHAIRMAN BURG: But if we do and for any we do, since he's a witness on the stand and this is his 23 document, I think that this document should be 24 corrected to reflect, no, they do not meet that to 25

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1	coincide with the waivers we've given.
2	MS. CREMER: Okay.
3	CHAIRMAN BURG: I guess I don't know. What
4	do we need to do to make sure that correction is made?
5	MS. WIEST: I believe there are three
6	companies that do not at this time provide single party
7	service, so all they would have to do is change that
8	yes to no for those Stateline, Venture, and U S West;
9	right?
10	CHAIRMAN BURG: And the testimony on the
11	record is adequate to accomplish that?
12	MS. WIEST: Yes.
13	CHAIRMAN BURG: Okay. That's all I
14	wondered.
15	MS. WIEST: So how many wire centers does U S
16	West have?
17	A. 38.
18	MS. WIEST: 38. Thank you. Any other
19	questions of this witness?
20	MS. CREMER: No.
21	MS. WIEST: Would you like to admit this
22	docket for the purposes of this docket? Before I only
23	admitted it for the other dockets.
24	MS. CREMER: Actually I wasn't going to move
25	it into this one because people testified to it, so I

didn't really need it in mine. But I can certainly 1 2 move it. MS. WIEST: It's up to you. 3 MS. CREMER: We don't need it in this docket. 4 MS. WIEST: Any other questions of this 5 6 witness? Thank you. Anything else from any of the 7 parties? At this time I believe the Commission will take these matters under advisement. We are waiting 8 9 for some late-filed exhibits in some dockets, and it 10 will be possible that perhaps the Commission will make the decisions either at a Commission meeting or at the 11 12 December 2nd hearing on some other related ETC 13 dockets. Are there any questions from anybody or any 14 comments? MR. COIT: I would just, for the record, like 15 16 to formally request that the Commission designate each of the -- based upon the record, the affidavits yet to 17 be submitted, that the Commission designate each of the 18 19 rural telephone companies, SDITC member companies, as ETC's and that their study areas be designated as their 20 21 service area. That's all I have. 22 MS. WIEST: Thank you. That will close the 23 hearing. 24 (THE HEARING CONCLUDED AT 3:50 P.M.) 25

STATE OF SOUTH DAKOTA) 1 COUNTY OF HUGHES 2) 3 I, Lori J. Grode, RMR, Notary Public, in and 4 for the State of South Dakota, do hereby certify that 5 the above hearing, pages 1 through 89, inclusive, was 6 recorded stenographically by me and reduced to 7 typewriting. 8 I FURTHER CERTIFY that the foregoing 9 transcript of the said hearing is a true and correct 10 transcript of the stenographic notes at the time and 11 place specified hereinbefore. 12 I FURTHER CERTIFY that I am not a relative or 13 employee or attorney or counsel of any of the parties, 14 nor a relative or employee of such attorney or counsel, 15 or financially interested directly or indirectly in 16 this action. 17 18 IN WITNESS WHEREOF, I have hereunto set my hand and seal of office at Pierre, South Dakota, this 19 20 1st day of December, 1997. 21 22 Lori J. Grode, RMR 23 24 25

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MIDSTATE TELEPHONE —— COMPANY =

TC97-086

120 E. 1ST + P.O. BOX 48 + KIMBALL, SD 57355 + PHONE (605) 778-6221 "WE'RE PROUD TO BE YOUR LOCAL TELEPHONE COMPANY"

June 10, 1997

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Mr. William Bullard, Executive Director Public Utilities Commission State of South Dakota 500 East Capitol Pierre, SO 57501

RECEIVED

JUN 17 1997 SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

RE: SD 524, 624 ETC Designation

Dear Mr. Bullard:

Pursuant to 47U.S.C § 214 (e) and 47 CFR § 54.201 for the purpose of "eligible telecommunications carriers" status, Midstate Telephone Company and its subsidiary encloses for filing with the commission a request for ETC designation.

Any questions concerning this filing should be directed to me at (605)778-6221.

Sincerely, MIDSTATE TELEPHONE COMPANY & SUBSIDIARIES

Mark D. Benton, Manager

Enclosures



TC97-086

BEFORE THE PUBLIC UTILITIES COMMISSINE CEIVED OF THE STATE OF SOUTH DAKOTA JUN 1 7 1997

IN THE MATTER OF THE REQUEST OF MIDSTATE TELEPHONE COMPANY, INC. FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

REQUEST FOR ETC DESIGNATION DOCKET TC97-

Midstate Telephone Company, Inc. ("Midstate Telephone Company") pursuant to 47 United States Code Section 214(e) and 47 Code of Federal Regulations Section 54.201 hereby seeks from the Public Utilities Commission ("Commission") designation as an "eligible telecommunications carrier" within the local exchange areas that constitute its service area in South Dakota. In support of this request, Midstate Telephone Company offers the following:

1. Pursuant to 47 U.S.C. § 214(e) it is the Commission's responsibility to designate local exchange carriers ("LECs") as "eligible telecommunications carriers" ("ETCs"), or in other words, to determine which LECs have assumed universal service obligations consistent with the federal law and should be deemed eligible to receive federal universal service support. At least one eligible telecommunications carrier is to be designated by the Commission for each service area in the State. However, in the case of areas served by "rural telephone companies", the Commission may not designate more than one LEC as an ETC without first finding that such additional designation would be in the public interest. Under 47 CFR § 54.201, beginning January 1, 1998, only telecommunications carriers that have received designation from the Commission to serve as an eligible telecommunications carrier within their service area will be eligible to receive federal universal service support.

 Midstate Telephone Company is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges in South Dakota:



Academy	(726)
Delmont	(779)
Ft. Thompson	(245)
Gann Valley	(293)
Kimball	(778)
New Holland	(243)
Pukwana	(894)
Stickney	(732)
White Lake	(249)

NO. -A. WALO

Midstate Telephone Company to its knowledge is the only carrier today providing local exchange telecommunications services in the above identified exchange areas.

 Miustate Telephone Company in accord with 47 CFR § 54.101 offers the following local exchange telecommunications services to all consumers throughout its service area:

- Voice grade access to the public switched network;
- Local exchange service;
- Dual tone multi-frequency signaling;
- Access to emergency services such as 911 or enhanced 911 public services;
- Access to operator services;
- Access to interexchange service;
- Access to directory assistance; and
- Toll blocking service to qualified low-income consumers.

As noted above, Midstate Telephone Company does provide toll limitation service in the form of toll blocking to qualifying consumers, however, the additional toll limitation service of "toll control" as defined in the new FCC universal service rules (47 CFR § 54.400(3)) is not provided. Midstate Telephone Company is not aware that any local exchange carrier in South

Dakota has a current capability to provide such service. The FCC gave no indication prior to the release of its universal service order (FCC 97-157) that toll control would be imposed as an ETC service requirement and, to our information and belief, as a result, LECs nationwide are not positioned to make the service immediately available. In order for Midstate Telephone Company to provide the service, additional usage tracking and storage capabilities will have to be installed in its local switching equipment. At minimum, the service requires a switching software upgrade and at this time Midstate Telephone Company is investigating and attempting to determine whether the necessary software has been developed and when it might become available.

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Accordingly, Midstate is faced with exceptional circumstances concerning its ability to make the toll control service available as set forth in the FCC's universal service rules and must request a waiver from the requirement to provide such service. At this tine, a waiver for a period of one year is requested. Prior to the end of the one year period, Midstate Telephone Company will report back to the Commission with specific information indicating when the necessary network upgrades can be made and the service can be made available to assist low income customers. The Commission may properly grant a waiver from the "toll control" requirement pursuant to 47 CFR 54.101(c).

4. Midstate Telephone Company has previously and will continue to advertise the availability of its local exchange services in media of general distribution throughout the exchange areas served. Prior to this filing, Midstate has not generally advertised the prices charged for all of the above-identified services. It will do so going forward in accord with any specific advertising standards that the Commission may develop.

 Based on the foregoing, Midstate Telephone Company respectfully request that the Commission:

 (a) grant a temporary waiver of the requirement to provide "toll control" service; and

(b) grant an ETC designation to Midstate Telephone Company covering all of the local exchange areas that constitute its present service area in the State.

Dated this 12 day of June, 1997.

Midstate Telephone Company, Inc.

Mark D. Benton, Manager

MIDSTATE TELEPHONE COMPANY



120 E. 1ST . P.O. BOX 48 . KIMBALL, SD 57355 . PHONE (505) 778-6221

"WE'RE PROUD TO BE YOUR LOCAL TELEPHONE COMPANY"

Mr. Camron Hoseck Staff Attorney South Dakota Public Utilities Commission State Capital Building 500 East Capital Avenue Pierre, SD 57501-5070

RECEIVED

OCT 1 0 1997 SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

RE: Eligible Telecommunications Carrier application, TC 97-086 Midstate Telephone Company

Dear Mr. Hoseck:

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Please find response for additional information:

- 1. Midstate Telephone Company does provide single-party service.
- 2. Midstate Telephone Company is not currently offering Lifeline and Link Up services within its exchanges, but will be required by the FCC rules, 47 CFR 54.400-54.417, make the established discount program available to its qualitying low-income customers beginning January 1, 1998. It is our understanding that while providing the Lifeline and Link Up services is a requirement on ETC's pursuant to 47 CFR 54.405 and 54.411, it is not actually a precondition which must be met before ETC status can properly be granted by the Commission. 47 CFR 54.101 which lists the service obligations that must be met before a carrier can receive federal universal service support does not specifically reference Lifeline and Link Up services.
- Mark D. Benton, being first duly sworn, states that he is the General Manager for the responding party, that he has read the initial ETC application and the foregoing, and the same is true to his own best knowledge, information and belief.

Mark D. Benton

Nattiry Public

My commission expires 2.2.2.00





SERVING ACADEMY - DELMONT - FORT THOMPSON - GANN VALLEY - KINEALL - NEW HOLLAND - PUXINANA - STERNEY - WHITE LAND YOUR LOCALLY OWNED AND OPERATED SOUTH DARDIA TELEPHONE COMPANIES

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING BY MIDSTATE TELEPHONE COMPANY, INC. FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER

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FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER AND NOTICE OF ENTRY OF ORDER TC97-086

On June 17, 1997, the Public Utilities Commission (Commission) received a request for designation as an eligible telecommunications carrier (ETC) from Midstate Telephone Company, Inc. (Midstate Telephone Company). Midstate Telephone Company requested designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area.

The Commission electronically transmitted notice of the filing and the intervention deadline to interested individuals and entities. No person or entity filed to intervene. By order dated November 7, 1997, the Commission set the hearing for this matter for 1:30 p.m. on November 19, 1997, in Room 412, State Capitol, Pierre, South Dakota.

The hearing was held as scheduled. At the hearing, the Commission granted Midstate Telephone Company a one year waiver of the requirement to provide toll control service within its service area. At its December 11, 1997, meeting, the Commission granted ETC designation to Midstate Telephone Company and designated its study area as its service area.

Based on the evidence of record, the Commission enters the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

On June 17, 1997, the Commission received a request for designation as an ETC from Midstate Telephone Company. Midstate Telephone Company requested designation as an ETC within the local exchange areas that constitute its service area. Midstate Telephone Company serves the following exchanges: Academy (726); Delmont (779); Fort Thompson (245); Gann Valley (293); Kimball (778); New Holland (243); Pukwana (894); Stickney (732); and White Lake (249). Exhibit 1.

Pursuant to 47 U.S.C. § 214(e)(2), the Commission is required to designate a common carrier that meets the requirements of section 214(e)(1) as an ETC for a service area designated by the Commission.

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Pursuant to 47 U.S.C. § 214(e)(1), a common carrier that is designated as an ETC is eligible to receive universal service support and shall, throughout its service area, offer the services that are supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services. The carrier must also advertise the availability of such services and the rates for the services using media of general distribution.

The Federal Communications Commission (FCC) has designated the following services or functionalities as those supported by federal universal service support mechanisms: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling or its functional equal; (4) single party service or its functional equivalent; (5) access to emergency services; (6) access to operator services; (7) access to interexchange service; (8) access to directory assistance, and (9) toll limitation for gualifying low-income consumers. 47 C.F.R. § 54.101(a).

v

As part of its obligations as an ETC, an ETC is required to make available Lifeline and Link Up services to gualifying low-income consumers. 47 C.F.R. § 54.405; 47 C.F.R. § 54.411.

VI

Midstate Telephone Company offers voice grade access to the public switched network to all consumers throughout its service area. Exhibit 1.

Midstate Telephone Company offers local exchange service including an amount of local usage free of per minute charges to all consumers throughout its service area. Id.

VIII

VII

Midstate Telephone Company offers dual tone multi-frequency signaling to all consumers throughout its service area. Id.

IX

Midstate Telephone Company offers single party service to all consumers throughout its service area. Exhibit 2.

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Midstate Telephone Company offers access to emergency services to all consumers throughout its service area. Exhibit 1

Midstate Telephone Company offers access to operator services to all consumers throughout its service area. Id.

XI

XII

Midstate Telephone Company offers access to interexchange services to all consumers throughout its service area. Id.

Midstate Telephone Company offers access to directory assistance to all consumers throughout its service area. Id.

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One of the services required to be provided by an ETC to qualifying low-income consumers is toll limitation. 47 C.F.R. § 54.101(a)(9). Toll limitation consists of both toll blocking and toll control. 47 C.F.R. § 54.400(d). Toll control is a service that allows consumers to specify a certain amount of toll usage that may be incurred per month or per billing cycle. 47 C.F.R. § 54.400(c). Toll blocking is a service that lets consumers elect not to allow the completion of outgoing toll calls. 47 C.F.R. § 54.400(b).

XV

Midstate Telephone Company offers toll blocking to all consumers throughout its service area. Exhibit 1.

XVI

Midstate Telephone Company does not currently offer toll control. Id. In order for Midstate Telephone Company to provide toll control, additional usage tracking and storage capabilities will have to be installed in its local switching equipment. Midstate Telephone Company is attempting to determine whether the necessary software has been developed and when it might become available. Id.

XVII

Midstate Telephone Company stated that it is faced with exceptional circumstances concerning its ability to make toll control service available and requested a one year waiver from the requirement to provide such service. Id. Prior to the end of the one year period, Midstate Telephone Company will report back to the Commission with specific information indicating when the network upgrades can be made in order to provide toll control. Id.

XVIII

With respect to the obligation to advertise the availability of services supported by the federal universal service support mechanism and the charges for those services using media of general distribution, Midstate Telephone Company stated that it advertises the availability of its local exchange services in media of general distribution throughout its service area. However, Midstate Telephone Company has not generally advertised the prices for these services. Id. Midstate Telephone Company stated its intention to comply with any advertising standards developed by the Commission. Id.

XIX

Midstate Telephone Company does not currently offer Lifeline and Link Up service discounts in its exchanges. Exhibit 2. Midstate Telephone Company will offer the Lifeline and Link Up service discounts in all of its service area beginning January 1, 1998, in accordance with 47 C.F.R. §§ 54.400 to 54.417, inclusive, and any Commission imposed requirements. Exhibit 2.

XX

The Commission finds that Midstate Telephone Company currently provides and will continue to provide the following services or functionalities throughout its service area: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling; (4) single-party service; (5) access to emergency services; (6) access to operator services; (7) access

to interexchange service; (8) access to directory assistance; and (9) toll blocking for qualifying lowincome consumers.

XXI

The Commission finds that pursuant to 47 C.F.R. § 54.101(c) it will grant Midstate Telephone Company a waiver of the requirement to offer toll control services until December 31, 1998. The Commission finds that exceptional circumstances prevent Midstate Telephone Company from providing toll control at this time due to the difficulty in obtaining the necessary software upgrades to provide the service.

The Commission finds that Midstate Telephone Company intends to provide Lifeline and Link Up programs to qualifying customers throughout its service area consistent with state and federal rules and orders.

XXIII

XXII

The Commission finds that Midstate Telephone Company shall advertise the availability of the services supported by the federal universal service support mechanism and the charges therefor throughout its service area using media of general distribution once each year. The Commission further finds that if the rate for any of the services supported by the federal universal service support mechanism changes, the new rate must be advertised using media of general distribution.

XXIV

Pursuant to 47 U.S.C. § 214(e)(5), the Commission designates Midstate Telephone Company's current study area as its service area.

CONCLUSIONS OF LAW

1

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-31, and 47 U.S.C. § 214.

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Pursuant to 47 U.S.C. § 214(e)(2), the Commission is required to designate a common carrier that meets the requirements of section 214(e)(1) as an ETC for a service area designated by the Commission.

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Pursuant to 47 U.S.C. § 214(e)(1), a common carrier that is designated as an ETC is eligible to receive universal service support and shall, throughout its service area, offer the services that are supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services. The carrier must also advertise the availability of such services and the rates for the services using media of general distribution. IV

The FCC has designated the following services or functionalities as those supported by federal universal service support mechanisms: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling or its functional equal; (4) single party service or its functional equivalent; (5) access to emergency services; (6) access to operator services; (7) access to interexchange service; (8) access to directory assistance; and (9) toll limitation for qualifying low-income consumers. 47 C.F.R. § 54.101(a).

v

As part of its obligations as an ETC, an ETC is required to make available Lifeline and Link. Up services to qualifying low-income consumers. 47 C.F.R. § 54,405; 47 C.F.R. § 54,411.

VI

Midstate Telephone Company has met the requirements of 47 C.F.R. § 54.101(a) with the exception of the ability to offer toll control. Pursuant to 47 C.F.R. § 54.101(c), the Commission concludes that Midstate Telephone Company has demonstrated exceptional circumstances that justify granting it a waiver of the requirement to offer toll control until December 31, 1998.

VII

Midstate Telephone Company shall provide Lifeline and Link Up programs to qualifying customers throughout its service area consistent with state and federal rules and orders.

VIII

Midstate Telephone Company shall advertise the availability of the services supported by the federal universal service support mechanism and the charges therefor using media of general distribution once each year. If the rate for any of the services supported by the federal universal service support mechanism changes, the new rate shall be advertised using media of general distribution.

IX

Pursuant to 47 U.S.C. § 214(e)(5), the Commission designates Midstate Telephone Company's current study area as its service area.

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The Commission designates Midstate Telephone Company as an eligible telecommunications carrier for its service area.

It is therefore

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ORDERED, that Midstate Telephone Company's current study area is designated as its service area; and it is

FURTHER ORDERED, that Midstate Telephone Company shall be granted a waiver of the requirement to offer toll control services until December 31, 1998; and it is

FURTHER ORDERED, that Midstate Telephone Company shall follow the advertising requirements as listed above; and it is FURTHER ORDERED, that Midstate Telephone Company is designated as an eligible telecommunications carrier for its service area.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that this Order was duly entered on the 1770 day of December, 1997. Pursuant to SDCL 1-26-32, this Order will take effect 10 days after the date of receipt or failure to accept delivery of the decision by the parties.

Dated at Pierre, South Dakota, this 17th day of December, 1997.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

(OFFICIAL SEAL)

B.

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BY ORDER OF THE COMMISSION

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner



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SERVICES.

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1ST & PINE . P.O. BOX 48 . KIMBALL, SD 57355-6048 . PHONE (605) 778-6221

WE'RE PROUD TO BE YOUR LOCAL TELEPHONE COMPANY

December 22, 1997

RECEIVED

DEC 1 2 1997

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Universal Service Admin Company 100 South Jefferson Road Whippany NJ 07981

COMPANY =

Dear Sir/Madam:

Pursuant to the FCC's Lifeline and Link Up rules, specifically, 47 CFR Section 54.401(d), we have enclosed the Lifeline and Link Up implementation plans for both Midstate Telephone Company and Heartland Communications Inc. We have also enclosed the following: 1). The SD Public Utilities Order issued in Docket TC97-150 (Final Order and Decision: Notice of Entry of Decision) 2). The letter sent by the SDPUC to the Universal Service Administrative Company which lists the companies designated as Eligible Telecommunications Carriers (ETC's). This list includes Midstate Telephone Company and Heartland Communications.

If you have any questions, please call our office at (605)778-6221. Thank you.

Sincerely, Milling all Carl

Peggy Reinesch Office Manager

PR/jt

cc: Sheryl Todd-FCC Universal Service Branch Bill Bullard-SD Public Utilities Commission // Office of the Secretary-CC Docket #96.45

Enclosures

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LIFELINE AND LINK UP PLAN SOUTH DAKOTA PUBLIC OF MIDSTATE TELEPHONE COMPANY TILITIES COMMISSION

Midstate Telephone Company submits this plan pursuant to 47 CFR § 54.401(d). Midstate Telephone Company has been designated as an eligible telecommunications carrier by the South Dakota Public Utilities Commission ("SDPUC") and, as such, must make Lifeline and Link Up service available to qualifying low-income consumers as set forth in the Commission's Final Order and Decision; Notice of Entry of Decision dated November 18, 1997, issued in Docket TC97-150 (In the Matter of the Investigation into the Lifeline and Link Up Programs), which is attached as Exhibit A, and consistent with the criteria established under 47 CFR §§ 54.400 to 54.417, inclusive.

A. General

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1. The Lifeline and Link Up programs assist qualified low acome consumers by providing for reduced monthly charges and reduced connection charges for local telephone service. The assistance applies to a single telephone line at a qualified consumer's principal place of residence.

A qualified low-income consumer is a telephone subscriber who participates in at least one of the following public assistance programs:

- a. Medicaid
- b. Food Stamps
- c. Supplemental Security Income (SSI)
- d. Federal Public Housing Assistance
- e. Low-Income Home Energy Assistance Program (LHEAP)

 A qualified low-income consumer is eligible to receive either or both Lifeline and Link Up assistance.

4. Midstate Telephone Company will advertise the availability of Lifeline and Link Up services and the charges therefore using media of general distribution and in accord with any rules that may be developed by the SDPUC for application to eligible telecommunications carriers.

5. In addition, Midstate Telephone Company, as required by the Final Order and Decision; Notice of Entry of Decision of the SDPUC (Exhibit A), will indicate in it's annual report to the SDPUC the number of subscribers within it's service area receiving Lifeline and/or Link Up assistance. In addition, this information will be provided to the Universal Service Administrative Company ("USAC").

6. Information as to the number of consumers qualifying for Lifeline and/or Link Up assistance cannot currently be provided by Midstate Telephone Company because it has no access to the government information necessary to determine how many of its

telephone subscribers are participating in the above referenced public assistance programs. Without this information. Midstate Telephone Company cannot provide, at this time, even a reasonable estimate of the number of its subscribers who, after January 1, 1998, will be receiving Lifeline and/or Link Up service. Information as to the number of its low-income subscribers qualifying for Lifeline and/or Link Up can be provided after applications for Lifeline and Link Up assistance have been received by Midstate Telephone Company.

7. In accord with the SDPUC's Final Order and Decision: Notice of Entry of Decision, Midstate Telephone Company will make application forms available to all of its existing residential customers, to all new customers when they apply for residential local telephone service, and to other persons or entities upon their request.

B. Lifeline

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 Lifeline service means a retail local service offering for which qualified low-income consumers pay reduced charges.

2. Lifeline service includes voice grade access to the public switched network, local usage, dual tone multi-frequency signaling or its functional equivalent, single-party service or its functional equivalent, access to emergency services, access to operator services, access to interexchange service, access to directory assistance, and toll limitation.

3. Qualified low-income subscribers are required to submit an application form in order to receive Lifeline service. In applying for Lifeline assistance, the subscriber must certify under penalty of perjury that they are currently participating in at least one of the qualifying public assistance programs listed in Section A.2, above. In addition, the subscriber must agree to notify Midstate Telephone Company when they cease participating in the qualifying public assistance program(s).

4. The total monthly Lifeline credit available to qualified consumers is \$5.25. Midstate Telephone Company shall provide the credit to qualified consumers by applying the federal baseline support amount of \$3.50 to waive the consumer's federal End-User Common Line charge and applying the additional authorized federal support amount of \$1.75 as a credit to the consumer's intrastate local service rate. The federal baseline support amount and additional support available, totaling \$5.25, shall reduce Midstate Telephone Company's lowest tariffed (or otherwise generally available) residential rate for the services listed above in Section B.2. Per the attached SDPUC Final Order and Decision; Notice of Entry of Decision, the SDPUC has authorized intrastate rate reductions for eligible telecommunications carriers making the additional federal support amount of \$1.75 available. The SDPUC did not establish a state Lifeline program to fund any further rate reductions. (Exhibit A, Findings of Fact VII and VIII; and Conclusions of Law II and III).

 Midstate Telephone Company will not disconnect subscribers from their Lifeline service for non-payment of toll charges unless the SDPUC, pursuant to 47 CFR § 54.401(b)(1), has granted the company a waiver from the non-disconnect requirement.

6. Except to the extent that Midstate Telephone Company has obtained a waiver from the SDPUC pursuant to 47 CFR § 54.101(c), the company shall offer toll limitation to all qualifying low-income consumers when they subscribe to Lifeline service. If the subscriber elects to receive toll limitation, that service shall become part of that subscriber's Lifeline service.

 Midstate Telephone Company will not collect a service deposit in order to initiate Lifeline service if the qualifying low-income consumer voluntarily elects toll blocking on their telephone line. However, one month's local service charges may be required as an advance payment.

C. Link Up

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1. Link Up means:

(a) A reduction in the customary charge for commencing telecommunications service for a single telecommunications connection at a consumer's principal place of residence. The reductions shall be 50 percent of the customary charge or \$30.00, whichever is less; and

(b) A deferred schedule for payment of the charges assessed for commencing service, for which the consumer does not pay interest. The interest charges not assessed to the consumer shall be for connection charges of up to \$200.00 that are deferred to a period not to exceed one year.

 Charges assessed for commencing service include any charges that are customarily assessed for connecting subscribers to the network. These charges do not include any permissible security deposit requirements.

3. The Link Up program shall allow a consumer to receive the benefit of the Link Up program for a second or subsequent time only for a principal place of residence with an address different from the residence address at which the Link Up assistance was provided previously.

Midstate Telephone Company PO Box 48 Kimball, SD 57355-0048 Telephone 605-778-6221

By____

Geo ma Position

Name

RECEIVED BEFORE THE PUBLIC UTILITIES COMMISSION DEC 22 ISS OF THE STATE OF SOUTH DAKOTA SOUTH DAKOTA PUBLIC

IN THE MATTER OF THE INVESTIGATION INTO THE LIFELINE AND LINK UP PROGRAMS

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FINAL ORDER AND STAMISSION DECISION: NOTICE OF ENTRY OF DECISION TC97-150

EXHIBIT "A"

At its August 18, 1997, regularly scheduled meeting, the Public Utilities Commission (Commission) voted to open a docket concerning the Federal Communications Commission's (FCC's) Report and Order on Universal Service regarding the Lifeline and Link Up programs. In its Report and Order, the FCC decided that it would provide for additional federal support in the amount of \$1.75, above the current \$3.50 level. However, in order for a state's Lifeline consumers to receive the additional \$1.75 in federal support. the state commission must approve that reduction in the portion of the intrastate rate paid by the end user. 47 C.F.R. § 54.403(a). Additional federal support may also be received. in an amount equal to one-half of any support generated from the intrastate jurisdiction, up to a maximum of \$7.00 in federal support. 47 C.F.R. § 54.403(a). A state commission must file or require the carrier to file information with the administrator of the federal universal service fund demonstrating that the carrier's Lifeline plan meets the criteria set. forth in 47 C.F.R. § 54.401.

By order dated August 28, 1997, the Commission allowed interested persons and entities to submit written comments concerning how the Commission should implement the FCC's rules on the Lifeline and Link Up programs. In their written comments, interested persons and entities commented on the following questions:

1. Whether the Commission should approve intrastate rate reductions to allow consumers eligible for Lifeline support to receive the additional \$1.75 in federal support?

2. Whether the Commission should set up a state Lifeline Program to fund further reductions in the intrastate rate paid by the end user?

3. Whether the Commission should modify the existing Lifeline or Link Up Programs?

4. Shall the Commission file or require the carrier to file information with the administrator of the federal universal service fund demonstrating that the carrier's Lifeline plan meets the criteria set forth in 47 C.F.R. § 54.401(d)?

By order dated October 16, 1997, the Commission set public hearings to receive public comment on the questions listed above. The hearings were held at the following times and places:

RAPID CITY:

Monday, October 27, 1997, 1:00 p.m., Canyon Lake Senior Citizens Center, 2900 Canyon Lake Drive, Rapid City, SD

PIERRE Tuesday, October 28, 1997, 1:30 p.m., State Capitol Building, Room 412, 500 East Capitol Avenue, Pierre, SD

SIOUX FALLS: Wednesday, October 29, 1997, 9:00 a.m., Center for Active Generations, 2300 West 46th, Sioux Falls, SD

At its November 7, 1997, meeting, the Commission ruled as follows: On the first issue, the Commission authorized intrastate rate reductions to allow eligible consumers to receive the additional \$1.75 in federal support. With respect to the second issue, the Commission decided to not set up a state Lifeline program to fund further reductions at this time. On the third issue, the Commission eliminated the existing TAP program that requires U S WEST and carriers that have purchased U S WEST exchanges to fund a \$3.50 reduction of local rates to low income customers age 60 and over. The Commission further ruled that the South Dakota Link Up program follow the FCC rules. In addition, the Commission ordered that staff, in consultation with the carriers, uevelop a standard form for self-certification; that these forms be sent to all of their customers prior to January 1, 1998, and thereafter, to all new customers; and that the carriers make the forms available to any person or entity upon request. On the fourth issue, the Commission ruled that the carrier be required to file with the FCC the information demonstrating that the carrier's plan meets the applicable FCC criteria and that the carrier send an informational copy to the Commission. Further, that the carriers include in their annual report to the Commission the number of subscribers who receive Lifeline and Link Up support.

Based on the written comments and evidence and testimony received at the hearings, the Commission makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1

The current state Lifeline program is referred to as the Telephone Assistance Plan (TAP). The current state Link Up program is referred to as the Link Up America program. The Commission implemented these programs in the U S WEST exchanges pursuant to its Decision and Order dated February 17, 1988, issued in Docket F-3703, In the Matter of the Investigation into Implementation of a Telephone Assistance Plan for South Dakota Customers. Exhibit 1 at page 1. Subsequent buyers of U S WEST exchanges were required to also offer the TAP and Link Up America programs. Id. at pages 1-2.

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The amount of TAP assistance is \$7.00, \$3.50 of which is federally funded, with the remaining \$3.50 funded by the local telecommunications carrier. Id. at page 3. Although U S WEST was originally allowed to charge a surcharge to fund the program, U S WEST subsequently gave up that right in Docket F-3647-8, In the Matter of the Public Utilities Commission Investigation into the Effects of the 1986 Tax Reform Act on South Dakota Utilities. Exhibit 5. In order to receive the TAP assistance, a member of the household

must be 60 years of age or older and participate in either the food stamp or the low-income energy assistance program. Exhibit 1 at page 2.

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The Link Up America program provides assistance in an amount equal to one-half of the qualifying subscriber's telephone service connection charges up to a maximum of \$30.00. Id. at page 3. In order to receive Link Up assistance, a customer must be receiving either food stamps or low-income energy assistance, must not presently have local telephone service and must not have been provided telephone service at his or her residence within the previous three months, and must not be a dependent for federal income tax purposes (dependency criteria does not apply to those 60 years of age or older). Id. The Link Up program is funded entirely out of federal funds. Id.

IV

The FCC revised the current Lifeline and Link Up programs in CC Docket No. 96-45, In the Matter of Federal-State Joint Board on Universal Service, adopted May 7, 1997. Beginning January 1, 1998, the FCC found that the federal baseline Lifeline support will be \$3.50 per gualifying low-income consumer with an additional \$1.75 in federal support if the state commission approves a corresponding reduction in intrastate local rates. 47 C.F.R. § 54.403(a). Additional federal Lifeline support in an amount equal to one-half the amount of any state Lifeline support (not to exceed \$7.00) is also available. Id.

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The FCC further found that the federal support for Link Up will continue to be a reduction in the telecommunications carrier's service connection charges equal to one half of the carrier's customer connection charge or \$30.00, whichever is less. 47 C.F.R. § 54.413(b).

VI

Pursuant to the FCC's rules, if there is no state Lifeline or Link Up program, a consumer is eligible for support if the consumer participates in one of the following programs. Medicaid; food stamps; Supplemental Security Income; federal public housing assistance; or the Low-Income Home Energy Assistance Program. 47 C.F.R. §§ 54.409(b) and 54.415(b). In addition, if there is no state Lifeline or Link Up program, a customer must certify under penalty of perjury that the customer is receiving benefits from one of the programs listed above and agrees to notify the carrier if the customer ceases to participate in such program or programs. Id.

VII

The first issue is whether the Commission should approve intrastate rate reductions to allow consumers eligible for Lifeline support to receive the additional \$1.75 in federal support. The Commission finds that it shall authorize intrastate rate reductions for eligible telecommunications companies providing local exchange service to allow eligible consumers to receive the additional \$1.75 in federal support. Thus, the total amount of federal support is \$5.25 per eligible customer.

VIII

The second issue is whether the Commission should set up a state Lifeline program to fund further reductions in the intrastate rate paid by the end user. The Commission finds it will not set up a state Lifeline program to fund further reductions at this time.

IX

The third issue is whether to modify or eliminate the existing Lifeline program or Link Up program. With respect to the existing Lifeline program, the Commission finds that it shall eliminate the existing TAP program that requires U S WEST and carriers that have purchased U S WEST exchanges to fund a \$3.50 reduction of local rates to low income customers age 60 and over. The Commission further finds that the South Dakota Lifeline and Link Up programs shall follow the FCC rules. See 47 U.S.C. §§ 54.400 to 54.417. The effect of following the FCC rules and not instituting further state funded reductions is that the FCC eligibility requirements and self-certification requirements will apply to the South Dakota Lifeline and Link Up programs. In addition, the Commission orders that the Commission staff, in consultation with the carriers, develop a standard form for selfcertification. The carriers shall send these forms to each customer prior to January 1, 1998. The carriers shall also send a form to each of their new customers. Finally, the carriers shall make the forms available to any person or entity upon request.

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The fourth issue is whether the Commission should file, or in the alternative, require the carrier to file information with the fund administrator. See 47 C.F.R. § 54.401(d). The Commission finds the carriers shall be required to file that information demonstrating that the carrier's plan meets the applicable FCC rules and that the carrier send an informational copy to the Commission. The carriers shall also be required to include in their annual report to the Commission the number of subscribers who receive Lifeline and Link Up support.

CONCLUSIONS OF LAW

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The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-1.1, 49-31-3, 49-31-7, 49-31-7, 1, 49-31-11, 49-31-12, 1, 49-31-12, 2 and 12.4, and 47 C.F.R. §§ 54.400 to 54.417.

Pursuant to 47 C.F.R. § 54 403(a), the Commission authorizes intrastate rate reductions for eligible telecommunications companies providing local exchange service to allow eligible consumers to receive the additional \$1.75 in federal support.

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The Commission declines to institute a state Lifeline program to fund further reductions at this time. The existing South Dakota Lifeline and Link Up programs shall be modified to follow the FCC rules found at 47 U.S.C. §§ 54.400 to 54.417, inclusive, on January 1, 1998. The Commission staff, in consultation with the carriers, shall develop a standard form for self-certification. The carriers shall send these forms to each customer prior to January 1, 1998. The carriers shall also send a form to each of their new customers. Finally, the carriers shall make the forms available to any person or entity upon request.

IV

Pursuant to 47 C.F.R. § 54.401(d), the Commission finds the carriers shall be required to file that information demonstrating that the carrier's plan meets the applicable FCC rules and that the carrier send an informational copy to the Commission. The carriers shall also be required to include in their annual report to the Commission the number of subscribers who receive Lifeline and Link Up support.

It is therefore

ORDERED, that the Commission authorizes intrastate rate reductions for eligible telecommunications companies providing local exchange service to allow eligible consumers to receive the additional \$1.75 in federal support, and it is

FURTHER ORDERED, that the Commission will not set up a state Lifeline program to fund further reductions at this time; and it is

FURTHER ORDERED, that the Commission shall eliminate the existing TAP program; that the South Dakota Lifeline and Link Up programs follow the FCC rules; that the Commission staff, in consultation with the carriers, develop a standard form for self-certification; that the carriers shall send these forms to all of their customers prior to January 1, 1998; that the carriers shall also send a form to each of their new customers; and that the carriers make the forms available to any person or entity upon request; and it is

FURTHER ORDERED, that the carrier shall file with the FCC the information demonstrating that the carrier's plan meets the applicable FCC rules and that the carrier send an informational copy to the Commission. The carriers shall also include in their annual report to the Commission the number of subscribers who receive Lifeline and Link Up support.

Dated at Pierre, South Dakota, this 18th day of November, 1997. CERTIFICATE OF SERVICE BY ORDER OF THE COMMISSION: The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed enyelopes, with charges prepaid thereon. IAMES A. BURG, Chairman By Dat PAM NELSON, Commissioner (OFFICIAL SEAL) LASKA SCHOENFELDER, Commissioner