

TCOB-117

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

RECEIVED

AUG 02 2000

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE SALE OF THE
SISSETON EXCHANGE TO SULLY
BUTTES TELEPHONE COOPERATIVE,
INC.

~~Docket No. TC 00-117~~

JOINT PETITION FOR
ETC DESIGNATION
AND RELINQUISHMENT

Pursuant to 47 United States Code §§ 214(e), 47 Code of Federal Regulations §54.201, and ARSD 20:10:32, **Sully Buttes Telephone Cooperative, Inc.** (Sully Buttes) hereby seeks designation as an eligible telecommunications carrier (ETC) within the local exchange area that constitutes the Sisseton, South Dakota, exchange. Qwest Corporation, formerly U S WEST COMMUNICATIONS, INC. ("Qwest"), pursuant to 47 USC §214(e)(4), SDCL 49-31-78, and ARSD 20:10:32:48, requests that its ETC designation and accompanying universal service obligations be relinquished and transferred to Sully Buttes. In support of these requests, Sully Buttes and Qwest offer 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 federal law, and should accordingly 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 of South Dakota. 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 its service area will be eligible to receive federal universal service support.

2. On or about July 23, 1999, Sully Buttes and Qwest entered into an **Agreement for Purchase and Sale of Telephone Exchanges** (Agreement) for purchase by Sully Buttes of the Sisseton Exchange. By Order dated May 23, 2000, the Commission approved said sale. The parties have filed a **Joint Petition for Expedited Waivers** with the FCC and are awaiting a ruling on that Petition. Closing of the sale will be scheduled some time after receipt of the FCC Order.

3. Qwest is the facilities-based local exchange carrier presently providing local exchange telecommunications service in the Sisseton Exchange. Qwest requests relinquishment of its ETC status in the Sisseton Exchange.

4. Following closing of the sale, Sully Buttes will be the facilities-based local exchange carrier providing local exchange telecommunications services in Sisseton, South Dakota. Sully Buttes' address is 218 Commercial Avenue, Highmore, South Dakota 57345; its telephone number is (605) 852-2224. The designated contact person is the General Manager, Randy W. Houdek.

5. The proposed effective date of designation of eligible telecommunications carrier status for Sully Buttes is immediately following close of the sale, which is anticipated to be prior to January 1, 2001. Qwest will continue to meet its ETC obligations to the Sisseton exchange until the date of closing.

6. The service area for which Sully Buttes seeks designation is the Sisseton Exchange.

6. The service area for which Sully Buttes seeks designation is the Sisseton Exchange.

7. The requested designation satisfies the requirements for eligible telecommunications designation under 47 C.F.R. § 54.201 because Sully Buttes, in accord with 47 C.F.R. § 54.101, offers the following local exchange telecommunications services to all customers throughout its service area, and will offer the same services in the Sisseton Exchange:

- Voice grade access to the public switched network;
- Local exchange service, including an amount of local usage free of per-minute charges under a flat-rated local service package;
- Dual tone multi-frequency signaling;
- Access to emergency services such as 911 or enhanced 911 public services; when such services have been implemented by Roberts County and Marshall County;
- Access to operator services;
- Access to interexchange service;
- Access to directory assistance; and
- Toll blocking service to qualified low-income consumers.

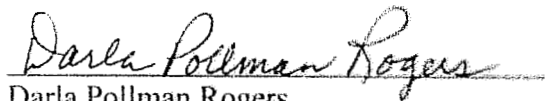
Sully Buttes will advertise the availability of its local exchange services in media of general distribution throughout the Sisseton Exchange.

8. Sully Buttes does not seek a waiver of any eligible telecommunications carrier service requirements.

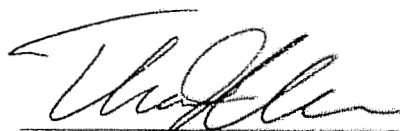
9. The Sisseton Exchange is not currently served by a rural telephone company. Subsequent to the Commission's granting of this Petition, Sully Buttes, to its knowledge, will be the only rural telephone company providing local exchange telecommunications services in the Sisseton Exchange.

10. Based on the foregoing, Sully Buttes respectfully requests that the Commission grant ETC designation to Sully Buttes in the Sisseton Exchange, and Qwest respectfully requests that its ETC designation and accompanying universal service obligations in the Sisseton Exchange be relinquished and transferred to Sully Buttes.

Dated this 31st day of July, 2000.



Darla Pollman Rogers
Meyer & Rogers
P. O. Box 1117
Pierre, South Dakota 57501
Attorney for Sully Buttes



Thomas J. Welk
Boyce, Murphy, McDowell & Greenfield
P. O. Box 5015
Sioux Falls, SD 57117-5015
Attorney for Qwest Corporation formerly
U S WEST Communications, Inc.

South Dakota Public Utilities Commission

WEEKLY FILINGS

For the Period of July 27, 2000 through August 2, 2000

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this filing. Phone: 605-773-3705 Fax: 605-773-3809

CONSUMER COMPLAINTS

CT00-091 In the Matter of the Complaint filed by Earl M. Briggs, Rapid City, South Dakota, against Starlink Communications, LLC Regarding Unauthorized Billing of Services.

The Complainant claims that he began to receive billings for service he did not authorize in March. The Complainant requests credit of all charges, \$1000 as provided by law, and compensation for his time and travel expenses if required to attend a hearing.

Staff Analyst: Leni Healy
Staff Attorney: Karen Cremer
Date Docketed: 07/27/00
Intervention Deadline: NA

CT00-092 In the Matter of the Complaint filed by Darrell and Bette Johnson, Brookings, South Dakota, against Sprint Communications Company L.P. Regarding Unauthorized Switching of Services and Unauthorized Billing of Long Distance Services.

The complainants allege that their phone service was switched without authorization and that they continued to receive bills after the account had been closed. The complainants request that all Sprint charges are cancelled, to reinstate their good credit rating and compensation of \$500.00 by Sprint for the unauthorized switch if a hearing is not required. If a hearing is held they are requesting \$1000.00 compensation to have the matter resolved.

Staff Analyst: Charlene Lund
Staff Attorney: Karen Cremer
Date Docketed: 08/01/00
Intervention Deadline: NA

CT00-093 In the Matter of the Complaint filed by Terry and Regina Van Dyke, Sioux Falls, South Dakota, against Telco Long Distance Wholesale Regarding a Dispute Over Raising Long Distance Telephone Rates Without Notice.

The complainants allege that they had agreed to a rate plan for telephone services and the rates were increased without notice, which is a violation of ARSD 20:10:34:10. The complainants are requesting an adjustment of \$203.20 by the company which is equal to the rates provided by the rate plan they had originally signed up for and a letter of apology.

Staff Analyst: Charlene Lund
Staff Attorney: Karen Cremer
Date Docketed: 08/01/00
Intervention Deadline: NA

NATURAL GAS

NG98-006 In the Matter of the Filing by MidAmerican Energy Company for Approval of Waiver of Refund Plan Relating to Kansas Ad Valorem Tax Refunds Received from Northern Natural Gas Company.

On June 18, 1998, MidAmerican Energy Company (MidAmerican) filed for approval of a waiver of refund plan relating to Kansas ad valorem tax refunds received from Northern Natural Gas Company (Northern) with the Commission. On August 5, 1998, the Commission approved MidAmerican's proposal to defer the Kansas ad valorem tax refunds, until MidAmerican determines that the amount received constitutes a final refund or for a maximum of one year, whichever comes first. On August 26, 1999, the Commission again granted deferral of the Northern Natural Gas Company refund with the same condition. On July 14, 2000 MidAmerican again filed to defer the Northern Refund until MidAmerican determines that the amount received constitutes a final refund or for a maximum of one year, whichever comes first.

Staff Analyst: Dave Jacobson
Staff Attorney: Karen Cremer
Date Filed: 07/17/00
Intervention Deadline: NA

TELECOMMUNICATIONS

TC00-116 In the Matter of the Application of Telergy Network Services, Inc. for a Certificate of Authority to Provide Telecommunications Services, Including Local Exchange Services, in South Dakota.

Telergy Network Services, Inc. (Telergy) filed an application with the Commission for a Certificate of Authority to provide facilities-based and resold local exchange and interexchange telecommunications services within South Dakota.

Staff Analyst: Heather Forney
Date Docketed: 08/02/00
Intervention Deadline: 08/18/00

TC00-117 In the Matter of the Joint Petition filed by Sully Buttes Telephone Cooperative, Inc. and Qwest Corporation for Designation as an Eligible Telecommunications Carrier for Sully Buttes Telephone Cooperative, Inc. in the Sisseton Exchange and for Relinquishment of Qwest Corporation's Designation as an Eligible Telecommunications Carrier in the Sisseton Exchange.

Sully Buttes Telephone Cooperative, Inc. (Sully Buttes) and Qwest Corporation, formerly U S WEST Communications, Inc. (Qwest), filed a Joint Petition for ETC Designation and Relinquishment with the Commission. The petitioners are asking the Commission to designate Sully Buttes as an eligible telecommunications carrier (ETC) within the local exchange of Sisseton, South Dakota, the exchange Sully Buttes recently purchased from Qwest. The petitioners are simultaneously asking the Commission to relinquish and transfer Qwest's ETC designation and accompanying universal service obligations to Sully Buttes in the same exchange.

Staff Analyst: Keith Senger

Staff Attorney: Karen Cremer

Date Docketed: 08/02/00

Intervention Deadline: 08/18/00

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BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

IN THE MATTER OF JOINT PETITION FILED BY SULLY BUTTES TELEPHONE COOPERATIVE, INC. AND QWEST CORPORATION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER FOR SULLY BUTTES TELEPHONE COOPERATIVE, INC. IN THE SISSETON EXCHANGE AND FOR RELINQUISHMENT OF QWEST CORPORATION'S DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE SISSETON EXCHANGE.

Docket No. TC00-117

AFFIDAVIT OF
RANDY W. HOUDEK

STATE OF SOUTH DAKOTA)

) SS.

AFFIDAVIT

COUNTY OF HUGHES)

Randy W. Houdek, being first duly sworn, states that, to the best of his knowledge, information and belief, the following facts are true and correct:

1. Randy W. Houdek is the general manager of Sully Buttes Telephone Cooperative, Inc. (Sully Buttes), and has served in that capacity since 1997. Mr. Houdek has worked at Sully Buttes since 1986, where he has served in various capacities prior to becoming general manager.

2. Sully Buttes currently owns and operates the following telephone exchanges in the state of South Dakota: Wessington, Hitchcock, Pierpont, Roslyn (which includes Eden and Grenville), Bowdle, Roscoe, Onaka, Seneca, Ree Heights, Blunt, Harold, Highmore, Wessington Springs (which includes Lane), Langford, Britton (which includes Amherst, Kidder, Lake City, and North Britton), Gettysburg, Lebanon, Hoven, Tolstoy, Rosholt, Tulare, Onida (which includes Agar), and Selby (which includes Java, Akaska and Lowry).

3. Sully Buttes currently provides the following services to all of its customers in the above listed exchanges:

A. Voice grade access to the public switched network;

- B. Local exchange service, including an amount of local usage free of per-minute charges under a flat-rated local service package;
- C. Dual tone multi-frequency signaling;
- D. Single party service;
- E. Access to emergency services such as 911 or Enhanced 911 public services, when such services are available;
- F. Access to operator service;
- G. Access to interexchange service;
- H. Access to directory assistance; and
- I. Toll block service to qualified low-income consumers.

4. Sully Buttes advertises the availability of its local exchange services in media of general distribution throughout its exchanges.

5. Sully Buttes has entered into an **Agreement for Purchase and Sale of Telephone Exchanges**, whereby Sully Buttes is purchasing the Sisseton Exchange from Qwest Corporation. The closing of the sale is November 30, 2000.

6. Following closing, Sully Buttes will offer in the Sisseton Exchange the same services that it currently offers in all of its other exchanges, as enumerated in Paragraph 3 above.

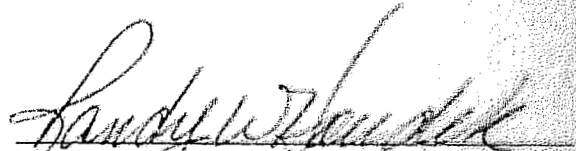
7. There are two prefixes (NXX) in the Sisseton Exchange, which is the service area in which Sully Buttes is requesting ETC status: 698 and 742.

8. Sully Buttes has made all necessary filings to provide Lifeline and Link Up services to eligible persons in its existing service areas. Sully Buttes will take whatever steps are necessary to ensure that Lifeline and Link Up services are also available to any eligible persons in the Sisseton Exchange.

9. Sully Buttes will advertise the availability of its services in media of general distribution in the Sisseton Exchange, as it currently does in its existing exchanges.

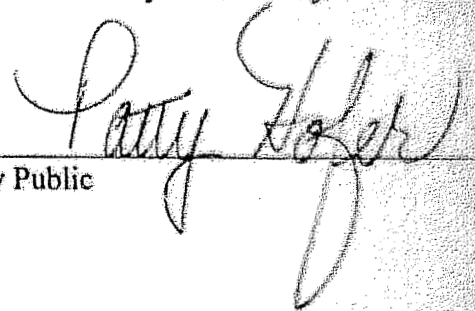
10. Affiant submits this Affidavit in support of its pending Request for ETC Designation in the Sisseton Exchange.

Dated this twenty-seventh day of October, 2000.



Randy W. Houdek

Subscribed and sworn to before me this twenty-seventh day of October, 2000.



Notary Public

My Commission Expires:

8-15-2002

(SEAL)

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

IN THE MATTER OF THE JOINT PETITION)	ORDER GRANTING ETC
FILED BY SULLY BUTTES TELEPHONE)	DESIGNATION; ORDER
COOPERATIVE, INC. AND QWEST)	APPROVING ETC
CORPORATION FOR DESIGNATION AS AN)	RELINQUISHMENT
ELIGIBLE TELECOMMUNICATIONS CARRIER)	
FOR SULLY BUTTES TELEPHONE)	TC00-117
COOPERATIVE, INC. IN THE SISSETON)	
EXCHANGE AND FOR RELINQUISHMENT OF)	
QWEST CORPORATION'S DESIGNATION AS)	
AN ELIGIBLE TELECOMMUNICATIONS)	
CARRIER IN THE SISSETON EXCHANGE)	

On August 2, 2000, the Public Utilities Commission (Commission) received a Joint Petition for ETC Designation and Relinquishment from Sully Buttes Telephone Cooperative, Inc. (Sully Buttes) and Qwest Corporation (Qwest). Sully Buttes sought designation as an eligible telecommunications carrier (ETC) for the Sisseton, South Dakota, exchange. Qwest requested that its ETC designation for the Sisseton exchange be relinquished and transferred to Sully Buttes. In Docket TC99-112, the Commission had approved the sale of the Sisseton exchange to Sully Buttes.

The Commission electronically transmitted notice of the filing and the intervention deadline to interested individuals and entities. No person or entity filed to intervene.

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. 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 qualifying low-income consumers. 47 C.F.R. § 54.101(a).

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.

On October 31, 2000, Sully Buttes submitted an affidavit of Randy W. Houdek, its general manager. Mr. Houdek stated that Sully Buttes will provide the following services to all of its customers in the Sisseton exchange following closing of the sale from Qwest:

1. Voice grade access to the public switched network;
2. Local exchange service, including an amount of local usage free of per minute charges under a flat-rated local service package;
3. Dual tone multi-frequency signaling;
4. Single party service;
5. Access to emergency services such as 911 or Enhanced 911 public services when such services are available;
6. Access to operator services;
7. Access to interexchange services;
8. Access to directory assistance; and
9. Toll block service to qualified low-income consumers.

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, Sully Buttes stated that it will advertise the availability of its local exchange services in media of general distribution in the Sisseton exchange. Sully Buttes stated it will offer the Lifeline and Link Up service discounts in the Sisseton exchange.

At its December 1, 2000, meeting, the Commission considered this matter. The Commission was informed that the sale of the Sisseton exchange to Sully Buttes was completed and that Sully Buttes took possession of the exchange at 12:01 a.m. December 1, 2000. The Commission had previously granted ETC status to Qwest (formerly known as U S WEST) for the Sisseton exchange, finding that Qwest provided all of the services supported by the federal universal support mechanism.

The Commission finds that Sully Buttes currently provides and will continue to provide the following services or functionalities throughout the Sisseton exchange: (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 low-income consumers.

The Commission finds that Sully Buttes intends to provide Lifeline and Link Up programs to qualifying customers throughout the Sisseton exchange consistent with state and federal rules and orders.

The Commission finds that Sully Buttes 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.

The Commission designates Sully Buttes as an ETC for the Sisseton exchange. The Commission further grants Qwest its request to relinquish its ETC designation and universal service obligations for the Sisseton Exchange.

It is therefore

ORDERED, that Sully Buttes is designated as an ETC for the Sisseton exchange, and it is

FURTHER ORDERED, that Qwest's request to relinquish its ETC designation and universal service obligations for the Sisseton Exchange is granted.

Dated at Pierre, South Dakota, this 14th day of December, 2000.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.</p> <p>By: <u>Debra Kello</u></p> <p>Date: <u>12/14/00</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner