

1004 U37

KC/HB/KS
RW

DOCKET NO. _____

In the Matter of IN THE MATTER OF THE REQUEST OF
 _____ QWEST CORPORATION FOR
 _____ CERTIFICATION REGARDING ITS USE
 _____ OF FEDERAL UNIVERSAL SERVICE
 _____ SUPPORT

Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
2/27 04	Filed and Docketed;
3/4 04	Weekly Filing;
3/25 04	Order Granting Certification;
3/25 04	Docket Closed.

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February 26, 2004

RECEIVED

FEB 27 2004

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

VIA UPS OVERNIGHT

Pam Bonrud, Executive Director
Public Utilities Commission of the State of South Dakota
500 East Capitol Avenue
Pierre, SD 57501

Re: In the Matter of Qwest Corporation's Request of the South Dakota Public Service Commission for 2004 ETC Certification to the Federal Communications Commission for 2004 Federal Universal Service Support (TC04-_____)
Our File No. 2104.131

Dear Ms. Bonrud:

Please find enclosed for filing the original and ten (10) copies of the Affidavit of Larry Toll dated February 26, 2004 and the Request for Confidential Treatment of Information along with the Plan for Use of 2004 Federal Universal Service Fund Support which is designated as confidential. Please notice this matter immediately for intervention.

Sincerely yours,

BOYCE, GREENFIELD, PASHBY & WELK, L.L.P.



Thomas J. Welk

TJW/vjj

Enclosure

cc: Colleen Sevold
Larry Toll
Melissa Thompson (via email & regular mail)

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF SOUTH DAKOTA

RECEIVED

FEB 27 2004

IN THE MATTER OF QWEST CORPORATION'S)
Request of the South Dakota Public Service)
Commission for 2004 ETC certification)
to the Federal Communications Commission for)
2004 Federal Universal Service Support.)

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION
SDCL Chapters
1-26, 49-31 and
47 U.S.C. 254

Affidavit of Larry Toll

Larry Toll, being first duly sworn on oath, deposes and says:

1. I am employed by Qwest Services Corporation as the State President for South Dakota.
2. Pursuant to Section 254(e) of the Telecommunications Act of 1996 and in compliance with 47 C.F.R. Part 54, Qwest Corporation is hereby certifying that it will use funds received from the Federal Universal Service High Cost Support fund for purposes prescribed.
3. This is to certify that all Federal Universal Service High Cost support provided to Qwest Corporation will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

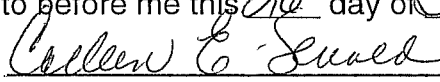
Further this affiant sayeth not.


DATED the 26th day of February, 2004.



Larry Toll

Subscribed and sworn to before me this 26th day of February, 2004.



Notary


CONFIDENTIAL

2

FCB 10/15

South Dakota Public Utilities Commission

WEEKLY FILINGS

For the Period of February 26, 2004 through March 3, 2004

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 report. Phone: 605-773-3201

ELECTRIC

EL04-006 In the Matter of the Filing by Otter Tail Power Company for Approval of Tariff Revisions.

Application by Otter Tail Power Company (Otter Tail) for approval to revise its tarified Summary List of Contracts with Deviations. The existing contract with the City of Hetland will expire on April 1, 2004. Otter Tail states the new agreement does not contain any deviations from Otter Tail's currently filed tariff and therefore requests that reference to a contract with the City of Hetland be removed from the Summary List of Contracts with Deviations.

Staff Analyst: Dave Jacobson
Staff Attorney: Karen Cremer
Date Filed: 02/26/04
Intervention Deadline: 03/19/04

EL04-007 In the Matter of the Filing by Otter Tail Power Company for Approval of Tariff Revisions.

Application by Otter Tail Power Company (Otter Tail) for approval to revise its tarified Summary List of Contracts with Deviations. The existing contract with the City of Lake Preston will expire on April 1, 2004. Otter Tail states the new agreement does not contain any deviations from Otter Tail's currently filed tariff and therefore requests that reference to a contract with the City of Lake Preston be removed from the Summary List of Contracts with Deviations.

Staff Analyst: Dave Jacobson
Staff Attorney: Karen Cremer
Date Filed: 02/26/04
Intervention Deadline: 03/19/04

EL04-008 In the Matter of the Filing by Otter Tail Power Company for Approval of Tariff Revisions.

Application by Otter Tail Power Company (Otter Tail) for approval to revise its tarified Summary List of Contracts with Deviations. The existing contract with the City of Trent will expire on April 1, 2004. Otter Tail states the new agreement does not contain any deviations from Otter Tail's currently filed tariff and therefore requests that reference to a contract with the City of Trent be removed from the Summary List of Contracts with Deviations.

Staff Analyst: Dave Jacobson
Staff Attorney: Karen Cremer
Date Filed: 02/26/04
Intervention Deadline: 03/19/04

EL04-009 In the Matter of the Application of East River Electric Power Cooperative, Inc. for a Transmission Upgrade to the Sioux Falls Area 115 kV Transmission Project.

On February 27, 2004, East River Electric Power Cooperative filed for approval an application for its proposed Sioux Falls Area 115 kilovolt Transmission Upgrade Project. The proposed project would convert approximately 36 miles of an existing East River 69 kilovolt transmission line and 7 existing East River 69 kilovolt distribution substations to 115 kilovolts. The project is needed for East River to be able to continue to adequately and reliably serve the growing electrical needs of its member distribution systems in the Sioux Falls area.

Staff Analyst: Michele Farris
Staff Attorney: Karen Cremer
Date Filed: 02/27/04
Intervention Deadline: 03/19/04

TELECOMMUNICATIONS

TC04-039 In the Matter of the Request of Qwest Corporation for Certification Regarding its Use of Federal Universal Service Support.

On February 27, 2004, Qwest Corporation (Qwest) provided information constituting Qwest's plan for the use of its federal universal service support and to otherwise verify that Qwest will use all federal universal service support received in a manner that is consistent with the federal universal service provisions of 47 U.S.C. Section 254.

Staff Analyst: Harlan Best
Staff Attorney: Karen Cremer
Date Docketed: 02/27/04
Intervention Deadline: 03/19/04

TC04-040 In the Matter of the Joint Application of Sioux Valley Telephone Company and Hills Telephone Company, Inc. Regarding the Sale by Sioux Valley Telephone Company of its Valley Springs, East Valley Springs and North Larchwood Exchanges to Hills Telephone Company, Inc.

On March 2, 2004, Hills Telephone Company, Inc. (Hills) and Sioux Valley Telephone Company (Sioux Valley) filed a joint application for the sale of the local telephone exchange facilities serving the Valley Springs, East Valley Springs, and North Larchwood local exchanges from Sioux Valley to Hills.

Staff Analyst: Harlan Best
Staff Attorney: Karen Cremer
Date Docketed: 03/02/04
Intervention Deadline: 03/19/04

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Bob Sahr, Chair
Gary Hanson, Vice-Chair
Jim Burg, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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March 25, 2004

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street S.W.
Washington, DC 20554

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

Ms. Irene Flannery
Universal Service Administrative Company
2000 L Street N.W., Suite 200
Washington, DC 20036

Re: CC Docket No. 96-45, State Certification of Support for a Non-rural Carrier

Dear Ms. Dortch and Ms. Flannery:

The South Dakota Public Utilities Commission (Commission) hereby states that Qwest Corporation (Qwest), a non-rural incumbent local exchange carrier that is subject to the Commission's jurisdiction, has been certified to receive support pursuant to 47 CFR § 54.313. Qwest filed a request for certification with the Commission which supports Qwest's affirmation that all federal high-cost support provided to it will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with section 254(e) of the Communications Act. The Commission has granted certification to Qwest and has enclosed the Order Granting Certification to Qwest. Qwest's study area code is 395145.

In addition, it is the Commission's understanding that Qwest will be requesting a waiver of the certification deadlines in order to receive support retroactive to January 1, 2004. The Commission supports the granting of any waivers requested by Qwest. This is the first year that Qwest has been eligible to receive high cost support for parts of its service area in South Dakota.

Should you have any questions, please do not hesitate to contact us for further information.

Sincerely,

Robert K. Sahr
Chairman

Gary Hanson
Commissioner

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

IN THE MATTER OF THE REQUEST OF)	ORDER GRANTING
QWEST CORPORATION FOR CERTIFICATION)	CERTIFICATION
REGARDING ITS USE OF FEDERAL)	
UNIVERSAL SERVICE SUPPORT)	TC04-039

On February 27, 2004, the South Dakota Public Utilities Commission (Commission) received a filing from Qwest Corporation (Company) regarding its Request for Certification Regarding its Use of Federal Universal Service Support. The purpose of this filing was to provide information constituting Company's plan for the use of its federal universal service support and to otherwise verify that Company will use all federal universal service support received in a manner that is consistent with the federal universal service provisions of 47 U.S.C. § 254. As a part of its plan, Company listed estimates of the support it expected to receive from the Universal Service Administrative Company (USAC) as well as its estimated costs for the provision, maintenance, and upgrading of facilities and services. An Affidavit was attached to the Request for Certification. Pursuant to 47 C.F.R. § 54.313, a state that desires a non-rural carrier within its jurisdiction to receive future federal universal service support must file an annual certification with the Federal Communications Commission and USAC stating that federal high cost support provided to such carriers within that State will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. This certification requirement applies to various categories of federal universal service support. Support provided under FCC rules will only be made available if the State Commission files the requisite certification pursuant to § 54.313.

On March 4, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of March 19, 2004, to interested individuals and entities. No parties sought intervention.

At its regularly scheduled meeting of March 23, 2004, the Commission considered this matter. The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-31, and 47 U.S.C. § 254. The Commission found that the Company is eligible to receive federal support as it states it will only use the support for the provision, maintenance, and upgrading of facilities and services for which the support is intended. The Commission voted to approve Company's Request for Certification Regarding Its Use of Federal Universal Service Support. The Commission also stated its support for Qwest's request for any necessary waivers from the FCC that would allow Qwest to receive federal support retroactive to January 1, 2004. It is therefore

ORDERED, that the Company is eligible to receive federal support as it states it will only use the support for the provision, maintenance, and upgrading of facilities and services for which the support is intended. It is

FURTHER ORDERED, that the Commission approves Company's Request for Certification Regarding Its Use of Federal Universal Service Support. It is

FURTHER ORDERED, that the Commission supports Qwest's request for any necessary waivers from the FCC that would allow Qwest to receive federal support retroactive to January 1, 2004.

Dated at Pierre, South Dakota, this 25th day of March, 2004.

<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>Tina Douglas</u></p> <p>Date: <u>3-25-04</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner