

THE PUBLIC UTILITIES COMMISSION

**RECEIVED**

OF THE STATE OF SOUTH DAKOTA

SEP 10 2002

=====

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

IN THE MATTER OF THE PETITION  
OF THE SOUTH DAKOTA DEPARTMENT  
OF TRANSPORTATION FOR A  
DECLARATORY RULING REGARDING  
SDCL 49-31-1.1

TC02-100

=====

Transcript of Proceedings  
September 5, 2002

=====

BEFORE THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION,  
JIM BURG, CHAIRMAN  
PAM NELSON, VICE CHAIRMAN  
ROBERT SAHR, COMMISSIONER

**ORIGINAL**

COMMISSION STAFF  
Rolayne Ailts Wiest  
John Smith  
Karen Cremer  
Kelly Frazier  
Harlan Best  
Greg Rislov  
Keith Senger  
Heather Forney  
Dave Jacobson  
Michele Farris  
Terri Iverson  
Debra Elofson  
Mary Giddings  
Martin Bettmann

Reported By Cheri McComsey Wittler, RPR

**PRECISION REPORTING**

**L I M I T E D**

1 APPEARANCES BY TELEPHONE

- 2 Linn Evans, Black Hills Power & Light
- 3 Kyle White, Black Hills Power & Light
- 4 Jeff Davis, MidAmerican Energy Company
- 5 Mary Lohnes, Midcontinent Communications
- 6 Tom Simmons, Midcontinent Communications
- 7 Ron Sprangler, Otter Tail Power Co.
- 8 Jeff Carmen, Qwest Corporation
- 9 Larry Toll, Qwest Corporation
- 10 Mary Hobson, Qwest Corporation
- 11 John Burke, Barker, Wilson, Reynolds & Burke
- 12 Rick Hilderbrand, Kadoka Telephone Company
- 13 Darrell Gomarko, TELEC Consulting
- 14 Allen Nelson, Bangs, McCullen, Butler, Foye & Simmons
- 15 Paul Roberts, Clay-Union Electric Corporation

16 = = = = =

17 TRANSCRIPT OF PROCEEDINGS, held in the

18 above-entitled matter, at the South Dakota State

19 Capitol, Room 412, 500 East Capitol Avenue, Pierre,

20 South Dakota, on the 5th day of September 2002,

21 commencing at 3:45 o'clock p.m.

1 MR. CHAIRMAN: TC02-100, In The  
2 Matter of the Petition of the South Dakota  
3 Department of Transportation For a Declaratory  
4 Ruling Regarding SDCL 49-31-1.1. Today shall the  
5 Commission grant the withdrawal and close the  
6 Docket?

7 Probably we need a quick explanation, Heather.

8 MS. FORNEY: Per my discussions with  
9 the Department of Transportation, they have reached  
10 an agreement with Qwest and have asked for a  
11 withdrawal of the petition for a declaratory  
12 ruling.

13 Staff would recommend that you go ahead and  
14 allow them to withdraw.

15 CHAIRMAN BURG: And this deals with  
16 the 511 number --

17 MS. FORNEY: Yes, it does.

18 MR. CHAIRMAN: -- that they intend  
19 to use as part of the department?

20 MS. FORNEY: Yes.

21 CHAIRMAN BURG: Colleen, any  
22 comments from Qwest?

23 MS. SEVOLD: I have no comments.

24 CHAIRMAN BURG: Anybody else have  
25 any comments or questions?

1 COMMISSIONER NELSON: Do we know  
2 what kind of agreement they have?

3 MS. FORNEY: I'm not sure if that's  
4 something that Qwest wants to discuss. I have a  
5 brief outline of what that agreement would be, but  
6 I don't know if that's something that --

7 MS. SEVOLD: It's my understanding  
8 that the agreement has probably not been finalized  
9 anyway so I think at this time we shouldn't.

10 CHAIRMAN BURG: All this is for is  
11 the withdrawal of their request for declaratory  
12 ruling. It doesn't have anything to do with  
13 actually what --

14 MS. FORNEY: Rates or terms.

15 CHAIRMAN BURG: Or terms.

16 COMMISSIONER NELSON: All right.

17 CHAIRMAN BURG: They did ask us for  
18 a declaratory ruling, and I forgot what the basis  
19 was. I think it was the usage and it --

20 MS. FORNEY: Well, they had asked  
21 for a declaratory ruling on whether 511 would be a  
22 noncompetitive service or not. And if it was ruled  
23 by the Commission to be noncompetitive, then it  
24 should be tariffed. That's what they were looking  
25 for clarification.

1 CHAIRMAN BURG: They changed their  
2 mind and decided that they didn't want a  
3 declaratory ruling?

4 MS. FORNEY: I believe that's  
5 correct. Because they reached some terms that they  
6 could agree with Qwest.

7 CHAIRMAN BURG: I'll move that the  
8 Commission grant the withdrawal and close the  
9 Docket in  
10 TC02-100.

11 COMMISSIONER NELSON: Second.

12 COMMISSIONER SAHR: Concur.

13 CHAIRMAN BURG: It has been granted.  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF SOUTH DAKOTA )

:SS

CERTIFICATE

COUNTY OF HUGHES )

I, CHERI MCCOMSEY WITTLER, a Registered Professional Reporter and Notary Public in and for the State of South Dakota:

DO HEREBY CERTIFY that as the duly-appointed shorthand reporter, I took in shorthand the proceedings had in the above-entitled matter on the 5th day of September 2002, and that the attached is a true and correct transcription of the proceedings so taken.

Dated at Pierre, South Dakota this 6th day of September 2002.

*Cheri McComsey Wittler*

Cheri McComsey Wittler  
Notary Public and  
Registered Professional Reporter