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THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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IN THE MATTER OF THE ESTABLISHMENT OF SWITCHED ACCESS REVENUE REQUIREMENTS IN FORT RANDALL TELEPHONE COMPANY AND MT. RUSHMORE TELEPHONE COMPANY

TC02-086

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Transcript of Proceedings
September 16, 2003

ORIGINAL

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BEFORE THE PUBLIC UTILITIES COMMISSION,
ROBERT SAHR, CHAIRMAN
GARY HANSON, VICE CHAIRMAN

COMMISSION STAFF

- Rolayne Ailts Wiest
- John J. Smith
- Kelly Frazier
- Jim Mehlhaff
- Greg Rislov
- Harlan Best
- Keith Senger
- Dave Jacobson
- Michele Farris
- Tina Douglas
- Bonnie Bjork
- Heather Forney
- Pam Bonrud

Reported By Cheri McComsey Wittler, RPR

PRECISION REPORTING

L I M I T E D

APPEARANCES BY TELEPHONE

- Marlene Bennett, Martin Group
- Colleen Sevold, Qwest Corporation
- Tim Goodwin, Qwest Corporation
- Talbot Wieczorek, Gunderson, Palmer, Goodsell & Nelson
- John Burke, Barker, Wilson, Reynolds & Burke
- John Coleman, Olsen-Thielen
- Cindy Grosvenor, TELEC Consulting
- Wendell Aanerud, TELEC Consulting
- Bruce Hanson, Fort Randall Telephone Company
- Mike Bradley, Moss & Barnett
- Gordon Dauchy, JSI
- Mary Lohnes, Midcontinent Communications
- Bill Heaston, PrairieWave Telecommunications, Inc.

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TRANSCRIPT OF PROCEEDINGS, held in the
 above-entitled matter, at the South Dakota State
 Capitol, Room 412, 500 East Capitol Avenue, Pierre,
 South Dakota, on the 16th day of September 2003,
 commencing at 9:30 a.m.

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1 CHAIRMAN SAHR: TC02-086, In the
2 Matter of the Establishment of Switched Access
3 Revenue Requirements in Fort Randall Telephone
4 Company and Mt. Rushmore Telephone Company. And
5 the question today is shall the Commission grant
6 Fort Randall/Mt. Rushmore's Motion to Dismiss.

7 And, Mr. Hanson, are you taking that?

8 MR. BRADLEY: This is Mike Bradley.
9 I'll be representing --

10 CHAIRMAN SAHR: Okay. Thank you,
11 Mr. Bradley. Go ahead and proceed.

12 MR. BRADLEY: I'll be very brief on
13 this as the Commission has had the same Motion with
14 regard to the other local exchange carriers where
15 it has already ruled on this position.

16 Fort Randall Telephone Company and
17 Fort Randall Telephone Company doing business
18 Mt. Rushmore Telephone Company filed access
19 charges. A request to intervene was filed by
20 S&S Communications.

21 S&S Communications was an interexchange
22 carrier. They claimed it would be harmed by any
23 increasing access charges. Because of the fact it
24 paid those access charges, it was granted status as
25 a party.

1 Subsequently S&S lost its certificate to do
2 business in South Dakota. It's no longer an
3 interexchange carrier. It's no longer purchasing
4 switched access services from Fort Randall
5 Telephone Company. It's no longer harmed by this.

6 As a result, they no longer have standing to
7 pursue this matter. They're no different than any
8 other citizen in the state, and that's not adequate
9 under ARSD 20:10:01:15.05 -- (Inaudible) -- status
10 of the party. Therefore, we move this
11 proceeding -- (Inaudible).

12 CHAIRMAN SAHR: Mr. Bradley, we lost
13 you on the last sentence, and we do have a court
14 reporter present in Pierre. Could you please just
15 repeat your conclusion.

16 MR. BRADLEY: Certainly. We ask
17 that they're removed as a party so we may proceed
18 with this matter without further delay.

19 CHAIRMAN SAHR: Thank you.
20 Mr. Burke.

21 MR. BURKE: Mr. Chairman, to not
22 burden the record and to help the Commission move
23 on today, would it be okay if I adopted the
24 arguments I set forth in response to all the other
25 motions brought by the other LECs during the

1 hearing in Aberdeen I believe on August 19?

2 CHAIRMAN SAHR: Thank you. I think
3 that would be appropriate. That's fine. Why don't
4 we go ahead and just adopt your previous arguments.

5 MR. BURKE: Thank you.

6 CHAIRMAN SAHR: Thank you. Staff.

7 MS. CREMER: Staff would agree with
8 the argument put forth by Fort Randall Mt. Rushmore
9 and would recommend granting the Motion to Dismiss.

10 CHAIRMAN SAHR: Thank you. Any
11 questions or comments?

12 COMMISSIONER HANSON: Move for
13 approval.

14 CHAIRMAN SAHR: And I will second.

15 (The hearing concluded at 9:40 a.m.)
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STATE OF SOUTH DAKOTA)

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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 16th day of September 2003, and that the attached is a true and correct transcription of the proceedings so taken.

Dated at Pierre, South Dakota this 30th day of September 2003.

Cheri M. Comsey Wittler
Cheri McComsey Wittler,
Notary Public and
Registered Professional Reporter