

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE FILING BY
WWC LICENSE, LLC D/B/A CELLULARONE
FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER IN OTHER
RURAL AREAS

TC03-191

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Transcript of Proceedings
December 28, 2004

ORIGINAL

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

COMMISSION STAFF

Rolayne Ailts Wiest
John Smith
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JAN 10 2005

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Reported By Cheri McComsey Wittler, RPR

PRECISION REPORTING
L I M I T E D

1 APPEARANCES BY TELEPHONE

2 Bill Heaston
3 Brad Moody
4 Suzan Stewart
5 Denny Law
6 Colleen Sevold
7 Talbot Wieczsorek
8 Dana Palmer
9 Mark Ayotte
10 Faye Jandreau
11 Doug Eidahl
12 Marcia Huber
13 Dan Daly
14 Bruce Biewald
15 Jerry Reisenauer
16 Tom Welk
17 Tim Goodwin

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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 28th day of December 2004,
commencing at 9:30 a.m.

1 CHAIRMAN SAHR: TC03-191, In the
2 matter of the filing by WWC License, LLC doing
3 business as CellularOne for designation as an
4 eligible telecommunications carrier in other rural
5 areas.

6 And the question today is shall the Commission
7 grant the petition of WWC License, LLC doing
8 business as CellularOne for reconsideration and
9 clarification?

10 The first thing I'd like to see is if any of
11 the Commissioners or advisers have any additional
12 questions or comments to be made as far as the case
13 is concerned.

14 VICE CHAIR HANSON: No.

15 COMMISSIONER BURG: I don't either.

16 CHAIRMAN SAHR: Seeing no additional
17 comments, I do have a Motion. And I do want to say
18 that I think the Commission came up with an order
19 that made sense and that I think enables us to have
20 pertinent information necessary to properly
21 evaluate whether or not ETC obligations are being
22 met.

23 With that being said, though, clearly this is
24 a case of first impression as far as a wireless
25 carrier is concerned in the State of South Dakota

1 and something where I think we can freely
2 acknowledge that in an effort to make sure we have
3 accurate information available to staff and
4 Commissioners to make those sort of evaluations
5 that there may need to be some modifications made
6 to the Order.

7 With that in mind, I have a Motion, and it's a
8 little bit lengthy. I'm just going to ahead and
9 read it now. I move that we modify Condition 3 to
10 state that Western Wireless does not need to
11 provide capital expenditures or its capital budget
12 for each RLEC service area but that Western
13 Wireless does need to provide material capital
14 expenditures information statewide with the
15 location and cost listed for the material capital
16 expenditures. Western Wireless shall work with
17 staff to determine what constitutes material.

18 I further move that we modify Condition 8 to
19 state that Western Wireless's report regarding
20 unfulfilled requests does not need to include
21 potential customers but must include customers who
22 are actual customers of Western Wireless or, in
23 other words, customers who signed up for service,
24 including customers who subsequently cancelled
25 their service. This information does not need to

1 be provided on an RLEC service area basis.

2 I would further like to state that I do not
3 believe that this information will provide a
4 complete or accurate picture of the number of
5 unfulfilled requests for services, but it will
6 provide the Commission with some additional
7 information, including how well the Western
8 Wireless's five-step process to provide service is
9 working.

10 The Commission extensively communicates with
11 the South Dakota public regarding cell phone
12 service and, in fact, now receives information that
13 allows us to reasonably judge the nature and
14 location of service requests perhaps better than
15 any standard we can impose on WWC so the need for
16 WWC's information does not appear to be critical
17 for performance of our duties.

18 I further move that the Commission find that
19 Western Wireless's request for confidentiality
20 language is unnecessary and inconsistent with our
21 rules. When Western Wireless files the information
22 it may request confidentiality under our existing
23 rules.

24 Finally, I further move that the Commission
25 add staff's proposed Condition 9 to the Order.

1 VICE CHAIR HANSON: Second.

2 COMMISSIONER BURG: I concur. First
3 of all, I guess I'd ask would somebody remind me
4 what Condition 9 was?

5 CHAIRMAN SAHR: That was
6 John Smith's proposed condition, and, John, I'll
7 let you take that one.

8 MR. SMITH: Commissioner Burg, what
9 the purpose of 9 was, was to give us flexibility in
10 the future to request additional information if we
11 find it necessary and then to come before the
12 Commission and request a modification of the
13 conditions if staff deems it necessary to get the
14 information we need to make sure things are going
15 like they're supposed to.

16 COMMISSIONER BURG: Okay. I'm going
17 to concur. I think that what we're doing here is
18 sort of tweaking the decision that we made that I
19 think is a decision that's going to be beneficial
20 to South Dakota consumers.

21 I felt it was -- as you well know from the
22 hearing, I felt it was very important that we know
23 that the moneys that are collected under an ETC
24 status be used in the areas that made them eligible
25 to become an ETC. And I think the information we

1 have will accomplish that without actually going to
2 the effort to break it down by an RLEC area because
3 sometimes that's pretty hard to determine. I think
4 we can determine if we get the proper information
5 on the investment and the location of the
6 expenditure as to whether it was an area that
7 provided that they be eligible for ETC status.

8 The rest of it I think just kind of cleans up
9 the language on how we're going to address, and I
10 think that's a good move so I concur.

11 CHAIRMAN SAHR: Thank you. And,
12 again, I look at it as a process that is in place
13 to make sure that staff and Western Wireless can
14 communicate going forward and make sure those
15 obligations are being met and do so in an effective
16 and sensible manner. So I think the changes made
17 today make a lot of sense.

STATE OF SOUTH DAKOTA)

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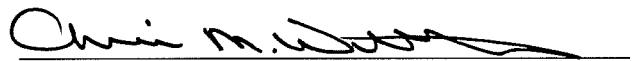
CERTIFICATE

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 28th day of
December 2004, and that the attached is a true and
correct transcription of the proceedings so taken.

Dated at Pierre, South Dakota this 10th day
of January 2005.


Cheri McComsey Wittler,
Notary Public and
Registered Professional Reporter

Word Index

1	Ayotte [1] 2:5	[5] 1:12 3:15 6:2 6:8 6:16 Commissioners [2] 3:11 4:4 Communicate [1] 7:14 Communicates [1] 5:10 Complete [1] 5:4 Concerned [2] 3:13 3:25 Concur [3] 6:2 6:17 7:10 Condition [5] 4:9 4:18 5:25 6:4 6:6 Conditions [1] 6:13 Confidentiality [2] 5:19 5:22 Constitutes [1] 4:17 Consumers [1] 6:20 Correct [1] 8:12 Cost [1] 4:15 COUNTY [1] 8:3 Cremer [1] 1:14 Critical [1] 5:16 Customers [5] 4:21 4:21 4:22 4:23 4:24	Effort [2] 4:2 7:2 Eidahl [1] 2:6 Either [1] 3:15 Eligible [4] 1:5 3:4 6:24 7:7 Enables [1] 3:19 ETC [4] 3:21 6:23 6:25 7:7 Evaluate [1] 3:21 Evaluations [1] 4:4 Existing [1] 5:22 Expenditure [1] 7:6 Expenditures [3] 4:11 4:14 4:16 Extensively [1] 5:10
10th [1] 8:13	B		F
2	Basis [1] 5:1 Become [1] 6:25 Beneficial [1] 6:19 Best [1] 1:16 Better [1] 5:14 Biewald [1] 2:8 Bill [1] 2:2 Bit [1] 4:8 Bonrud [1] 1:19 Brad [1] 2:2 Break [1] 7:2 Bruce [1] 2:8 Budget [1] 4:11 Burg [5] 1:12 3:15 6:2 6:8 6:16 Business [2] 3:3 3:8		Fact [1] 5:12 Far [2] 3:12 3:24 Farris [1] 1:17 Faye [1] 2:6 Felt [2] 6:21 6:22 Files [1] 5:21 Filing [2] 1:4 3:2 Finally [1] 5:24 First [3] 3:10 3:24 6:2 Five [1] 5:8 Five-step [1] 5:8 Flexibility [1] 6:9 Forney [1] 1:18 Forward [1] 7:14 Freely [1] 4:1 Future [1] 6:10
3			
3 [1] 4:9			
4			
412 [1] 2:14			
5			
500 [1] 2:14			
8			
8 [1] 4:18			
9			
9 [3] 5:25 6:4 6:9 9:30 [1] 2:16	C	D	G
A	Cancelled [1] 4:24 Capital [4] 4:11 4:11 4:13 4:15 Capitol [2] 2:14 2:14 Carrier [3] 1:5 3:4 3:25 Case [2] 3:12 3:24 Cell [1] 5:11 CellularOne [3] 1:4 3:3 3:8 CERTIFICATE [1] 8:2 CERTIFY [1] 8:8 CHAIR [2] 3:14 6:1 CHAIRMAN [6] 1:11 1:11 3:1 3:16 6:5 7:11 Changes [1] 7:16 Cheri [3] 1:24 8:5 8:18 Clarification [1] 3:9 Cleans [1] 7:8 Clearly [1] 3:23 Collected [1] 6:23 Colleen [1] 2:4 Commencing [1] 2:16 Comments [2] 3:12 3:17 Commission [10] 1:1 1:10 1:13 3:6 3:18 5:6 5:10 5:18 5:24 6:12 Commissioner	D/B/A [1] 1:4 Dakota [9] 1:2 2:13 2:15 3:25 5:11 6:20 8:1 8:7 8:13 Daly [1] 2:7 Dan [1] 2:7 Dana [1] 2:5 Dated [1] 8:13 Dave [1] 1:17 December [3] 1:8 2:15 8:11 Decision [2] 6:18 6:19 Deems [1] 6:13 Denny [1] 2:3 Designation [2] 1:5 3:3 Determine [3] 4:17 7:3 7:4 Doug [1] 2:6 Douglas [1] 1:18 Down [1] 7:2 Duly-appointed [1] 8:8 Duties [1] 5:17	GARY [1] 1:11 Goodwin [1] 2:9 Grant [1] 3:7 Greg [1] 1:15 Guess [1] 6:3
A.m. [1] 2:16 Above-entitled [2] 2:13 8:10 Accomplish [1] 7:1 Accurate [2] 4:3 5:4 Acknowledge [1] 4:2 Actual [1] 4:22 Add [1] 5:25 Additional [4] 3:11 3:16 5:6 6:10 Address [1] 7:9 Advisers [1] 3:11 Ahead [1] 4:8 Ailts [1] 1:13 Allows [1] 5:13 Appear [1] 5:16 APPEARANCES [1] 2:1 Area [4] 4:12 5:1 7:2 7:6 Areas [3] 1:6 3:5 6:24 Attached [1] 8:11 Available [1] 4:3 Avenue [1] 2:14		E	H
		East [1] 2:14 Effective [1] 7:15	HANSON [3] 1:11 3:14 6:1 Hard [1] 7:3 Harens [1] 1:15 Harlan

Word Index

[1] 1:16 Hearing [1] 6:22 Heaston [1] 2:2 Heather [1] 1:18 Held [1] 2:12 HEREBY [1] 8:8 Huber [1] 2:7 HUGHES [1] 8:3	[1] 7:16 Marcia [1] 2:7 Mark [1] 2:5 Material [3] 4:13 4:15 4:17 Matter [4] 1:4 2:13 3:2 8:10 McComsey [3] 1:24 8:5 8:18 Met [2] 3:22 7:15 Michele [1] 1:17 Mind [1] 4:7 Modification [1] 6:12 Modifications [1] 4:5 Modify [2] 4:9 4:18 Moneys [1] 6:23 Moody [1] 2:2 Motion [2] 3:17 4:7 Move [5] 4:9 4:18 5:18 5:24 7:10 Must [1] 4:21	[4] 1:8 2:12 8:9 8:12 Process [2] 5:8 7:12 Professional [2] 8:6 8:19 Proper [1] 7:4 Properly [1] 3:20 Proposed [2] 5:25 6:6 Provide [5] 4:11 4:13 5:3 5:6 5:8 Provided [2] 5:1 7:7 Public [5] 1:1 1:10 5:11 8:6 8:18 Purpose [1] 6:9	[1] 3:16 Senger [1] 1:16 Sense [2] 3:19 7:17 Sensible [1] 7:16 Service [7] 4:12 4:23 4:25 5:1 5:8 5:12 5:14 Services [1] 5:5 Sevold [1] 2:4 Shall [2] 3:6 4:16 Shorthand [2] 8:9 8:9 Signed [1] 4:23 Smith [2] 1:14 6:8 Smith's [1] 6:6 Sometimes [1] 7:3 Sort [2] 4:4 6:18 South [9] 1:2 2:13 2:15 3:25 5:11 6:20 8:1 8:7 8:13 SS [1] 8:2 Staff [5] 1:13 4:3 4:17 6:13 7:13 Staff's [1] 5:25 Standard [1] 5:15 State [8] 1:2 2:13 3:25 4:10 4:19 5:2 8:1 8:7 Statewide [1] 4:14 Status [2] 6:24 7:7 Step [1] 5:8 Stewart [1] 2:3 Subsequently [1] 4:24 Supposed [1] 6:15 Suzan [1] 2:3
I		Q	
Important [1] 6:22 Impose [1] 5:15 Impression [1] 3:24 Include [2] 4:20 4:21 Including [2] 4:24 5:7 Inconsistent [1] 5:20 Information [13] 3:20 4:3 4:14 4:25 5:3 5:7 5:12 5:16 5:21 6:10 6:14 6:25 7:4 Investment [1] 7:5		Questions [1] 3:12	
J	N	R	
Jacobson [1] 1:17 Jandreau [1] 2:6 January [1] 8:14 Jerry [1] 2:8 JIM [1] 1:12 John [3] 1:14 6:6 6:6 Judge [1] 5:13	Nature [1] 5:13 Necessary [3] 3:20 6:11 6:13 Need [7] 4:5 4:10 4:13 4:20 4:25 5:15 6:14 Notary [2] 8:6 8:18 Number [1] 5:4	Read [1] 4:9 Reasonably [1] 5:13 Receives [1] 5:12 Reconsideration [1] 3:8 Regarding [2] 4:19 5:11 Registered [2] 8:5 8:19 Reisenauer [1] 2:8 Remind [1] 6:3 Report [1] 4:19 Reported [1] 1:24 Reporter [3] 8:6 8:9 8:19 Request [4] 5:19 5:22 6:10 6:12 Requests [3] 4:20 5:5 5:14 Rest [1] 7:8 Rislov [1] 1:15 RLEC [3] 4:12 5:1 7:2 ROBERT [1] 1:11 Rolayne [1] 1:13 Room [1] 2:14 RPR [1] 1:24 Rules [2] 5:21 5:23 Rural [2] 1:6 3:4	Read [1] 4:9 Reasonably [1] 5:13 Receives [1] 5:12 Reconsideration [1] 3:8 Regarding [2] 4:19 5:11 Registered [2] 8:5 8:19 Reisenauer [1] 2:8 Remind [1] 6:3 Report [1] 4:19 Reported [1] 1:24 Reporter [3] 8:6 8:9 8:19 Request [4] 5:19 5:22 6:10 6:12 Requests [3] 4:20 5:5 5:14 Rest [1] 7:8 Rislov [1] 1:15 RLEC [3] 4:12 5:1 7:2 ROBERT [1] 1:11 Rolayne [1] 1:13 Room [1] 2:14 RPR [1] 1:24 Rules [2] 5:21 5:23 Rural [2] 1:6 3:4
K	O	S	
Karen [1] 1:14 Keith [1] 1:16 Kind [1] 7:8	Obligations [2] 3:21 7:15 One [1] 6:7 Order [3] 3:18 4:6 5:25	SAHR [5] 1:11 3:1 3:16 6:5 7:11 Sara [1] 1:15 Second [1] 6:1 See [1] 3:10 Seeing	
L	P		T
Language [2] 5:20 7:9 Law [1] 2:3 Lengthy [1] 4:8 License [3] 1:4 3:2 3:7 Listed [1] 4:15 LLC [3] 1:4 3:2 3:7 Location [3] 4:15 5:14 7:5 Look [1] 7:12	Palmer [1] 2:5 Pam [1] 1:19 Performance [1] 5:17 Perhaps [1] 5:14 Pertinent [1] 3:20 Petition [1] 3:7 Phone [1] 5:11 Picture [1] 5:4 Pierre [2] 2:14 8:13 Place [1] 7:12 Potential [1] 4:21 Pretty [1] 7:3 Proceedings		Talbot [1] 2:4 TC03-191 [2] 1:5 3:1 Telecommunications [2] 1:5 3:4 TELEPHONE [1] 2:1 Tim [1] 2:9 Tina [1] 1:18 Today [2] 3:6 7:17 Tom [1] 2:9 Took [1] 8:9 Transcript [2] 1:8 2:12 Transcription [1] 8:12 True [1] 8:11
M			
Manner			

Word Index

Tweaking

[1] 6:18

U

Under

[2] 5:22 6:23

Unfulfilled

[2] 4:20 5:5

Unnecessary

[1] 5:20

Up

[3] 3:18 4:23 7:8

UTILITIES

[2] 1:1 1:10

V

VICE

[3] 1:11 3:14 6:1

W

Welk

[1] 2:9

Western

[9] 4:10 4:12 4:16 4:19 4:22 5:7 5:19
5:21 7:13

Wieczsorek

[1] 2:4

Wiest

[1] 1:13

Wireless

[7] 3:24 4:10 4:13 4:16 4:22 5:21 7:13

Wireless's

[3] 4:19 5:8 5:19

Wittler

[3] 1:24 8:5 8:18

Words

[1] 4:23

WWC

[4] 1:4 3:2 3:7 5:15

WWC's

[1] 5:16