

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE PETITION OF
CHEYENNE RIVER SIOUX TRIBE TELEPHONE
AUTHORITY FOR SUSPENSION OR MODIFICATION
OF 47 U.S.C. SECTION 251(B)(2) OF THE
COMMUNICATIONS ACT OF 1934 AS AMENDED

TC04-085

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Transcript of Proceedings
August 17, 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
Karen Cremer
Greg Rislov
Harlan Best
Keith Senger
Dave Jacobson
Michele Farris
Jim Mehlhaff
Tina Douglas
Heather Forney
Pam Bonrud

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**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Reported By Cheri McComsey Wittler, RPR

PRECISION REPORTING
L I M I T E D

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

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APPEARANCES BY TELEPHONE

- Rachel Torrence
- Mark Meierhenry
- Karen Huizenga
- Mark Rodvolt
- Marv Truhe
- Larry Hettinger
- Talbot Wieczorek
- Jeff Carmen
- Marlene Bennett
- Mark Ayotte
- Jim Blundell
- Doug Eidahl
- Wendy Harper
- Chris Clark
- Mary Lohnes
- Tom Burns
- Pat Mastel
- Gene Ward
- Jeff Heig
- Dan Larson
- James Cremer

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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 17th day of August 2004,
 commencing at 9:30 a.m.

CHAIRMAN SAHR: TC04-085, In the
 Matter of the Petition of Cheyenne River Sioux
 Tribe Telephone Authority for Suspension or

1 Modification of 47 U.S.C. Section 251(b)(2) of the
2 Communications Act of 1934 as amended.

3 And the question today is shall the Commission
4 approve the stipulation and enter a decision
5 incorporating its terms, and if this matter is
6 resolved, shall the Commission close the Docket.

7 Ms. Rogers.

8 MS. ROGERS: Thank you. I'm
9 appearing on behalf of CRST. It has taken us a
10 little bit longer to reach a signed stipulation and
11 file it with the Commission. The stipulation that
12 has been crafted here is very similar to that, to
13 the one in the previous case. The facts are just a
14 little bit different.

15 What we have here is a company that CRST
16 agrees to be LNP compliant or capable by
17 October 1 of 2004. Currently Western Wireless does
18 have a direct connection with CRST at Eagle Butte,
19 and so they've agreed then pursuant to the
20 stipulation that they will provide LNP. With
21 regard to the issue of non-Intervenors or other
22 parties, which was the big question in this case,
23 the provision of paragraph 4 of the agreement
24 provides that should another wireless carrier come
25 to CRST and request LNP, that they will make the

1 same offer as contained in paragraph 2 of this
2 stipulation which, of course, includes the direct
3 connection.

4 If either the other wireless carrier or
5 CRST -- if that's rejected, then either party can
6 come back to the Commission and the Commission can
7 enter an order of finding, modifying, or approving
8 the request or modifying the requirement to provide
9 LNP.

10 And I did also -- I would advise you that it
11 appears to me that key to this agreement working
12 with regard to non-intervening parties would be the
13 Order that is issued in this case. And I think the
14 language that we are looking at with regard to the
15 order would be that CRST's obligation to provide
16 LNP is hereby modified consistent with the terms
17 and conditions of this stipulation.

18 So I think while we don't have an order yet, I
19 have discussed this with the Commission and -- or
20 Commission counsel so I believe we're on the same
21 wavelength with regard to this stipulation.

22 It has been signed both by myself on behalf of
23 CRST and by Mr. Wieczorek on behalf of Western
24 Wireless. I would ask for it's approval.

25 MR. CHAIRMAN: Thank you.

1 Mr. Wieczorek.

2 MR. WIECZOREK: I concur and all
3 set.

4 CHAIRMAN SAHR: SDTA.

5 MR. COIT: No objection.

6 CHAIRMAN SAHR: Thank you.

7 Midcontinent, were you a party on this one?

8 MR. GERDES: We withdrew from that
9 docket.

10 CHAIRMAN SAHR: Staff.

11 MS. AILTS WIEST: We don't object to
12 the stipulation. We would just note a difference
13 from the James Valley, there is no ending date, I
14 believe, and wireline carriers are not mentioned,
15 which is probably irrelevant in Cheyenne River's
16 case.

17 CHAIRMAN SAHR: Thank you. Any
18 questions or comments from advisers or
19 Commissioners?

20 MR. SMITH: Can I ask one? Since
21 there's no time deadline or anything, I mean, what
22 would happen, Mr. Wieczorek, if the Commission were
23 to authorize the use of tandem transport in the
24 rest of the Dockets?

25 Is that something that the parties are

1 cognizant of and willing to live with going on and
2 on with the DS-1 connection?

3 MR. WIECZOREK: On behalf of Western
4 Wireless, that would not be a problem if you
5 authorized that, given the fact that we have the
6 preexisting DS-1 and there's no reason for us to
7 get rid of that line for various reasons. I don't
8 see that would impact the stipulation as drafted.

9 MS. ROGERS: I would also note that
10 there is a paragraph in the stipulation that states
11 that should CRST and Western Wireless in the future
12 determine to route traffic in a different manner,
13 they can modify the agreement at that point in time
14 so it would be up to the parties.

15 CHAIRMAN SAHR: Thank you. Any
16 other questions?

17 Seeing none, I would -- in this Docket and the
18 last one I thank the parties for coming together
19 and doing quite a bit of work to get this resolved
20 and applaud those efforts. I would move that we
21 approve the stipulation and enter a decision
22 incorporating its term and also that we move to
23 close the Docket.

24 VICE CHAIR HANSON: Second.

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 17th day of August 2004, and that the attached is a true and correct transcription of the proceedings so taken.

Dated at Pierre, South Dakota this 7th day of September 2004.



Cheri McComsey Wittler,
Notary Public and
Registered Professional Reporter