THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF ESTABLISHING SWITCHED ACCESS REVENUE REQUIREMENTS IN DOCKETS TC04-106, TC04-107, TC04-111, TC04-120, TC04-121, TC04-122, TC04-123, TC04-124, AND TC04-125 Transcript of Proceedings September 27, 2005 _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ BEFORE THE PUBLIC UTILITIES COMMISSION, GARY HANSON, CHAIRMAN BOB SAHR (by telephone), VICE CHAIRMAN DUSTY JOHNSON, COMMISSIONER COMMISSION STAFF Rolayne Ailts Wiest John Smith Karen Cremer Sara Greff Greg Rislov Harlan Best Keith Senger Dave Jacobson Michele Farris Jim Mehlhaff Tina Douglas Heather Forney

Reported By Cheri McComsey Wittler, RPR, CRR

PRECISION REPORTING

Pam Bonrud

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THE PUBLIC UTILITIES COMMISSION 2 OF THE STATE OF SOUTH DAKOTA CHAIRMAN HANSON: In the Matter of 1 з _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ 2 the Establishment of Switched Access Revenue 3 4 IN THE MATTER OF ESTABLISHING SWITCHED Requirements in Dockets TC 04-106, 107, 111, 120, ACCESS REVENUE REQUIREMENTS IN DOCKETS 5 TC04-106, TC04-107, TC04-111, TC04-120, 4 121, 122, 123, 124, 125. TC04-121, TC04-122, TC04-123, TC04-124, 5 6 I'm going to ask if Commissioner Sahr is still AND TC04-125 6 7 on the line with us. ______ 7 Transcript of Proceedings VICE CHAIRMAN SAHR: Yes, I am. 8 September 27, 2005 8 CHAIRMAN HANSON: Good. And who 9 9 10 else do we have on the line with us at this time? BEFORE THE PUBLIC UTILITIES COMMISSION 10 I don't want to run through the entire list and I 11 GARY HANSON, CHAIRMAN BOB SAHR (by telephone), VICE CHAIRMAN 11 don't want you to all start talking, but I'm going 12 DUSTY JOHNSON, COMMISSIONER 12 to ask you to do that anyway. COMMISSION STAFF 13 Rolayne Ailts Wiest 13 MS. BENNETT: This is 14 John Smith Karen Cremer 14 Marlene Bennett and Peter Rasmussen. 15 Sara Greff Greg Rislov 15 CHAIRMAN HANSON: Thank you. 16 Harlan Best Keith Senger 16 MR. BRADLEY: This is Mike Bradley. 17 Dave Jacobson Michele Farris 17 MR. LAW: Denny Law, Golden West. 18 Jim Mehlhaff Tina Douglas 18 MR. EIDAHL: Doug Eidahl, 19 Heather Forney Pam Bonrud 19 Vantage Point. 20 20 MR. LARSON: Jeff Larson, Santel. 21 21 CHAIRMAN HANSON: Anyone else with 22 22 us? 23 23 MR. CHORZEMPA: Dave Chorzempa 24 Reported By Cheri McComsey Wittler, RPR, CRR 24 still, with AT&T. 25 25 MR. HETTINGER: Larry Hettinger, 2 1 APPEARANCES BY TELEPHONE 1 Heartland Consulting. 2 Talbot Wieczorek 2 CHAIRMAN HANSON: Thank you. Is Colleen Sevold з Erin Jordahl Doug Eidahl 3 there anyone else? We appreciate you being with 4 David Chorzempa Jeff Larson 4 US. 5 Denny Law 5 Excuse us just for a moment. It's been Suzie Rao 6 Jeff Decker 6 questioned the grouping of these dockets. Staff, Mike Bradley 7 Brian Everson 7 would you care to give us an explanation of why Marlene Bennett 8 Larry Hettinger 8 these are grouped the way they are. Peter Rasmussen 9 9 MS. CREMER: Yes. Because I can. _____ 10 No. Basically, I believe in number 3 you have the 10 11 TRANSCRIPT OF PROCEEDINGS, held in the 11 ones -- I have to look here for a second to see. above-entitled matter, at the South Dakota State 12 12 MR. SENGER: Would you like some 13 Capitol, Room 412, 500 East Capitol Avenue, Pierre, 13 help? 14 South Dakota, on the 27th day of September 2005, 14 MS. CREMER: Yeah. 15 commencing at 9:30 a.m. 15 MR. SENGER: Dockets in item 3 are 16 all of the dockets which staff considered to be 16 17 17 substantially uncomplete. The items in -- or the 18 18 dockets in item 4 are the ones that staff has 19 19 considered to be substantially complete. The ones 20 20 in item 5 are the ones that staff has completed 21 21 their review and actually issued a memo to the 22 22 Commission. And then 6 would be -- is it the LECA 23 23 docket? Yeah. 6 would be the LECA docket. All of 24 24 those are '04s. 25 25 CHAIRMAN HANSON: Thank you very

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24 But the point is they're here now, the dockets 24 here versus the prejudice.	23	back again.	23	
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20 are not concluded, and that this process should go 25 And I would submit in the 2004 dockets the	25	are not concluded, and that this process should go	25	And I would submit in the 2004 dockets the

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	1 scale tips toward prejudice to the parties. I		1	in this case. If there's a delay in any of the '04
	2 believe that's true for a couple of reasons.		2	dockets by allowing the Interveners to come in and
	3 Number one, again, going back to the stated purpose	e	3	pose a bunch of discovery, it affects all of them.
	4 of these at least one of the stated purposes of		4	We need to we need to try to get the '04
	5 all of these interventions and that is to		5	dockets done. And I think by allowing the
	6 according to AT&T try to come up with a statewide		6	intervention petitions we would be moving in the
	7 solution. We're talking about a process here. By		7	opposite direction, and, therefore, I would really
	8 granting the 2005 interventions you have fulfilled		8	urge you to deny the petitions to intervene in the
	9 or achieved that purpose of the Interveners.		9	'04 dockets.
	10 And so now to take it all the way back to 2004	ŀ	10	CHAIRMAN HANSON: Thank you. Thank
	11 dockets, I think that's where the prejudice	ŀ	11	you. Are there questions? I'm going to break just
	12 outweighs. Because we're not talking about just		12	a little bit with the routine because what you've
	data requests from staff. If you allow Interveners		13	just stated is really the crux of the entire the
	14 in, you're also talking about additional discovery		14	nucleus of the situation, the center of the gravity
	15 by additional parties.		15	for me, and I'd like to hear from Mr. Gerdes on his
	16 And in particular for those companies that are		16	response to what you just said.
	17 either close to being finished with the process or		17	MR. GERDES: Mr. Chairman.
	18 in the middle or maybe have put in their first	- I	18	CHAIRMAN HANSON: Yes.
	19 responses and have a second set pending, it doesn't	- I	19	MR. GERDES: And your question was?
	20 matter their status. If you make them or subject		20	CHAIRMAN HANSON: Well, Darla
	21 them to further discovery by allowing new parties		21	excuse me, Ms. Rogers has put forth a pretty solid
	22 in to bring up new issues because some of the		22	argument for me of her just her comments. I'm
	in to bring up new issues because some of theissues raised in these petitions are not part of		23	not going to try and regurgitate all of them. Her
	24 the current dockets that is prejudicial to the		24	statements it does seem incredibly dilatory to
	25 parties, and that will undoubtedly delay this long		25	me, 13 months after the filing. And at some point
		_		
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	1 process even longer.		1	when is a deadline a deadline?
	2 I think that when you look at petitions to		2	MR. GERDES: Well, and I do tend to
	3 intervene and you do that balancing test the		3	agree with the analysis that a deadline should be a
	4 prejudice becomes the bar rises higher and		4	deadline if it causes undue prejudice. And the
	5 higher I would say to meet the burden of showing		5	question here is whether it causes undue prejudice,
	6 that there's an overriding public interest here.		6	Mr. Chairman.
	7 Again, I think you have you have met that burden		7	The first thing I'll say is they are
	8 and achieved what the Interveners are seeking to		8	collecting their rates now, the ones that they
	9 achieve by allowing them to intervene in the 2005		9	want. They're collecting them under an order
	10 docket.		10	letting the tariff go into effect subject to
	11 I don't think that it's appropriate to single		11	refund. So, I mean, they're not out any money.
	12 out one portion of these companies to try to punish		12	That's the first thing.
	13 them for not responding in a more timely manner. 1		13	Secondly, my understanding originally we
	14 don't think that that's the test under the rules.		14	were just going to intervene in the '05 dockets.
	15 And I think it's also important to note that the	_ I	15	And in talking with staff we were told that there
	16 LECA situation and the member companies is a little		16	was a substantial amount of discovery that hadn't
	17 bit unique because it's not like individual		17	been done after one year. Now that tells me that
	18 actions. It's a group action. And so every single		18	those dockets are open, somebody's off somewhere
	19 one of those cost studies needs to be done before		19	languishing somewhere doing something. At least
	20 we can have a final rate in place for you to		20	I've been involved in a lot of dockets before this
	21 approve.		21	Commission when we get our discovery done in
	22 And so if you allow intervention in one docket		22	30 days or 45 days.
	23 or two dockets, any number of the '04 dockets, it		23	And so for discovery to still be pending after
	24 affects all of them because the delay affects all		24	a year it seemed to me that it was fair to us since
	25 of them. I think that's really important to note		25	we want to get our arms around the entire problem

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1	if this this series of dockets is just simply	1	that's probably the source of the delay, just
2	languishing, it would seem to me they are not going	2	because of the the daunting breadth of some of
3	to be prejudiced by us getting into it because they	3	the data requests. I believe that that's been part
4	haven't been responding to their discovery	4	of it.
5	requests. So we might as well get involved here as	5	Once again, I think I would have to reiterate
6	well because this is also part of the problem.	6	that as I read the rules for the grounds to allow a
7	So my response, Mr. Chair, would be, number	7	late-filed intervention petition it does not depend
8	one, they're collecting the money they want. So	8	upon the status of the current dockets. And I
9	assuming that this tariff is approved, they're	9	don't think that that's the test here, and I think
10	whole. There's no problem there. No harm, no	10	that we need to keep in mind that - that's why l
11	foul.	11	don't think, again, this unique situation where
12	And, secondly, since the dockets have not been	12	what happens with one docket affects all of the
13	concluded, we believe that given the definition of	13	2004 dockets.
14	our mission, if you will, it seems to me that in	14	But I think that the status is not the test.
15	order for us to get around the whole group of LECA	15	And I think that the test is the public interest
16	dockets because of this every three year filing	16	and the miscarriage of justice, and I don't believe
17	phenomenon that we talked about, that this would be	17	that's been met.
18	a good way to get this resolved quicker, rather	18	COMMISSIONER JOHNSON: You don't
19	than waiting for the next time these companies come	19	think that as the further along a docketed item
20	around and want to file their cost dockets.	20	gets toward completion, that if you were to sort of
21	So we would submit that there is no prejudice	21	send that back to square one with granting
22	and that this makes perfect sense to permit the	22	intervention, you don't think that creates more
23	interventions that we've asked for.	23	undue prejudice? To me the progress really is
23	CHAIRMAN HANSON: Thank you. Did	23	closely related at least in my mind as I'm
25	you have a question?	25	starting to think through it is closely related to
			16
	COMMISSIONER JOHNSON: When you're		prejudice, undue prejudice.
2	done, yeah.	23	MS. POLLMAN ROGERS: I think that it
3	CHAIRMAN HANSON: I'll defer.	3	can be. But the problem again in these dockets is
4	Commissioner Johnson.	4	if you allow intervention in one of them and for
5	COMMISSIONER JOHNSON: I have a	5	the company that's out there and basically approved
6	question for Ms. Rogers. And this may be this	6	and ready to go, the goal they're all kind of
	question probably speaks more to my inexperience on	7	tied because you have to come up with a one final
8	the Commission. So I'll apologize right off the	8	LECA rate that is subject to your approval.
9	bat, and this may be slightly off topic.	9	And so by granting it here it's going to
10	But why the delay? Why are maybe staff	10	prejudice it here because of the delays of bringing
11	wants to answer it too. But if we're talking about	11	in new issues and new questions for the parties.
12	something that was filed in June, a number of them	12	CHAIRMAN HANSON: Are you done?
13	filed in June, and we still have not even the	13	COMMISSIONER JOHNSON: I am for
14	initial discovery taken care of, can you shed some	14	right now. Thank you.
15	light on me? Is that typical? Is there a	15	CHAIRMAN HANSON: Are there
16	particular holdup?	16	additional persons who wish to give testimony to
17	MS. POLLMAN ROGERS: I suppose to	17	the Commission at this time on item number 4?
18	get a fair answer, you know, we would have to ask	18	Excuse me. Item number 3.
19	each company. I believe that there has been some	19	COMMISSIONER JOHNSON: I guess I'd
20	resistance to the length and scope of the staff	20	have a question, Mr. Chairman. I'm not sure for
21	data request. In some instances I think that there	21	whom, whether it's our advisor, Commission counsel,
22	have been some meetings between them to try to	22	staff, parties. If there was some disagreement
23	narrow the scope a little bit. Those did not	23	over the breadth and scope of the discovery
24	necessarily come to fruition.	24	requests, the data requests, I mean, how is that
25	Beyond that but, I mean, I think that	25	resolved? Does the party come before the
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1	Commission and say, hey, listen, we want to strike	1	directly related to what we were talking about
2	down this data request? Does staff ask us to	2	today, but curiosity got the best of me. Thank
3	compel the parties to file? Procedurally how is	3	you.
4	that resolved?	4	CHAIRMAN HANSON: No problem.
5	MS. CREMER; I can take a shot at	5	VICE CHAIRMAN SAHR: Mr. Chairman,
6	that. And it is, as Ms. Rogers noted, by the time	6	this is Commissioner Sahr. I have a couple of
7	we found out that they were having an issue with	7	questions.
8	the breadth and the scope I believe it was spring.	8	CHAIRMAN HANSON: Okay. Please go
9	I think a lot of these data requests were filed	9	ahead.
10	according to my notes in December of '04. The bulk	10	VICE CHAIRMAN SAHR: The first
11	of those that have not responded, the data request	11	question is for staff. Karen, if you could try to
12	was sent in December. So it was probably April or,	12	quantify, how long are we along in the process?
13	you know, somewhere in there where we're starting	13	So, for instance, if zero is we haven't really
14	to find out that obviously they're not going to	14	started yet, 10 is the process is completed in
15	respond.	15	these dockets, where would you put us in that type
16	And there were a couple of meetings and some	16	of range?
17	of which I was involved in and some I wasn't. And	17	MS. CREMER: Well, two of the
18	part of it is you talk to the consultant and the	18	dockets, which is 04 and 114, Harlan completed
19	consultant says, well, we're just waiting for the	19	those and got the memo to the Commissioners in
20	company. And you talk to the company and the	20	October of '04. And the process there has always
21	company says we're waiting for the consultant. So	21	been generally the Commission waits until all of
22	you've got to again, depending on the company,	22	them are in and then you approve them all in one
23	you would have to get fact specific.	23	fell swoop and then you do the LECA dockets. So
24	Our goal is just to get these things done.	24	those, you know, are sitting on your desk with two
25	And so we were trying to work with them. It	25	memos completed.
	18		20
í - 1	obviously hit a point where that's not happening.	1	MR. SMITH: Can I cut in here a
2	And so staff would have the option now of coming to	2	minute?
3	the Commission and saying, you know, we need these	3	MS. CREMER: Sure.
4	matters answered and do it under a Motion to	4	MR. SMITH: With respect to what
5	Compel.	5	your answer is related all of the '04s, not merely
6	And we had discussed that at one point, and it	6	item 3.
7	was about then that Mr. Gerdes contacted staff and	7	MS. CREMER: Yes. I'm sorry. That
8	said, you know, we're looking to intervene so we	8	would be all of '04. And then there are five of
9	thought we'd see how this process played out. That	9	them where well, I'll let Harlan address where
10	was probably about July I think when Dave first	10	he is. I've got them down as near completion.
11	contacted us. So it looks like a really long time	11	MR. BEST: For docket 04-108 the
12	but and it has been.	12	company has responded to the sixth set of data
13	COMMISSIONER JOHNSON: Thank you.	13	requests. 112, Brookings, the company has the
14	Mr. Chairman, this is Marlene Bennett with	14	sixth set of data requests is outstanding. 116,
15	Martin Group. I'd just like to clarify one thing	15	Santel, the fifth set is outstanding. James Valley
16	in reference to our initial meeting with staff in	16	responded to the fourth set today. Kennebec is
17	reference to the data requests. We were in Pierre	17	has a third set that is outstanding. And
18	and met with a couple of the staff members, and it	18	West River, Hazen, the initial data request I
19	would have been a representation of eight of the	19	mailed July 23 of '04, and they have yet to
20	companies at that point in time that sat to discuss	20	respond.
21	the scope of the initial data requests we had	21	CHAIRMAN HANSON: Excuse me. This
22	received.	22	is Chairman Hanson. Excuse me just a minute. In
23	CHAIRMAN HANSON: Thank you.	23	relationship to the question from Commissioner
20	COMMISSIONER JOHNSON: Thank you fo	24	Sahr, rather than going through exactly where each
25	your patience, Mr. Chairman. I know this isn't	25	one of these are, I believe he was just trying to
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	get an idea of approximately 1 to 10 where are we,	1	out there that Keith hasn't covered in his data
2	10 being completed.	2	requests that could be new. And so and, of
3	And	3	course, that's been part of, you know, the LEC's
4	VICE CHAIRMAN SAHR: Mr. Chairman.	4	problem. So I'm not sure what new issues could
5	CHAIRMAN HANSON: We're talking	5	really arise.
6	about item number 4 now, and we need to get back to	6	But maybe Dave Gerdes or, you know, their
7	-	7	
	number 3.		consultants maybe they haven't seen staff's data
8	VICE CHAIRMAN SAHR: 1 think if I	8	requests, of course, as far as I know. And so
9	could just rephrase my question, I've been waiting	9	without them seeing that, I don't know if there
10	for a break to do that. My question is, Karen, and	10	would be any repetition or if they do have
11	it's item number 3.	11	something different out there.
12	MS. CREMER: Okay.	12	VICE CHAIRMAN SAHR: Thank you,
13	VICE CHAIRMAN SAHR: How far along	13	Mr. Chairman. I have no further questions at this
14	are we? That's all I'm interested in at this point	14	•
	· · · · · · · · · · · · · · · · · · ·		time.
15	in time. Not every docket that's pending, just	15	CHAIRMAN HANSON: Thank you. And I
16	those in item number 3.	16	need to state we will be losing our bridge at noon
17	MS. CREMER: Those I think with	17	in about 26 minutes, our telephone bridge.
18	maybe one exception have had an initial data	18	Mr. Gerdes.
19	request and no response. And then initial data	19	MR. GERDES: I simply wanted to
20	request in those went out in December of '04.	20	bring up the fact that we have to get in before we
21	VICE CHAIRMAN SAHR: Okay.	21	can see any of the data requests that are out there
22	· · · · · · · · · · · · · · · · · · ·	22	- ,
	Mr. Chairman, I have another question.		and that's part of our problem and has been part of
23	CHAIRMAN HANSON: All right.	23	our problem in materials of our experts finalizing
24	Please.	24	their inquiry.
25	VICE CHAIRMAN SAHR: Karen, I'm	25	CHAIRMAN HANSON: Thank you.
	22		24
	22	1	Mc Pogoro
1	going to ask your perspective on this. Initially I	1	Ms. Rogers.
1 2	going to ask your perspective on this. Initially I thought, well, it's quite a ways down the road,	1 2	Ms. Rogers. MS. POLLMAN ROGERS: Thank you. I
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1	these issues were still really important to them in	1	prejudice, an unfair prejudice. So that would be
	2 2004 they could have intervened in a timely manner	2	my only point.
3	3 and for sure there would not have been this	3	Staff delineated these by completed, nearly
1	4 additional prejudice to the LECs that are in the	4	completed, and not even touched. But if you would
	5 2004 dockets.	5	like to let them in on all of them, you know, staff
16	6 CHAIRMAN HANSON: Thank you.	6	would not have an objection there either. We just
17	7 Mr. Gerdes, as long as you're standing, I would	7	thought maybe it would be easier. We could treat
18	B like to ask you a question. I assume you wanted to	8	the ones that are completed or near completed
	9 say something else.	9	similar to those that didn't file this year and
	0 MR. GERDES: Yes, sir. It's	10	already have a rate.
1		11	So, you know, we thought if it would make it
	2 CHAIRMAN HANSON: Why didn't you	12	easier on the LECs and keep it smaller, but if they
	3 attempt to intervene earlier?	13	want them all in, that's fine with staff.
	4 MR. GERDES: Because the issue had	14	CHAIRMAN HANSON: What about the
	5 not been discussed among the people that got	15	argument that delay in one docket affects all the
	6 involved. That's the reason.	16	dockets?
		10	
	7 CHAIRMAN HANSON: Okay.		MS. CREMER: And, again, I'm not
	8 MR. GERDES: And let me just make	18 10	sure I would agree with you that delay in one
	9 one further point here. Talk about discovery	19	delays them all, but they're not being there's
Z	20 served in December of '04 not being answered	20	no unfair prejudice because they are getting their
	illustrates the point I want to make. And that is	21	money and they're getting the money that they want.
2	22 that under the position that Ms. Rogers is taking,	22	They are subject if ultimately the
	23 one company in this joint filing process that	23	Commission decides a different rate, that money
	24 they're using every year and then on three-year	24	that they are currently collecting will have to be
2	25 cycles for each company, one company can drag its	25	refunded to the IXCs with interest. So at this
F	26		28
1	1 feet and, therefore, no one could intervene if	1	point they sit with all the money or, you know,
	2 everybody else is finished and the one company	2	I mean, they are collecting the amount that they
	3 hasn't.	3	want and so while there may be a delay, I'm not
	4 Or take it to the other side of it. Let's say	4	sure that it cuts against them.
	-	5	CHAIRMAN HANSON: When then does a
		6	deadline mean anything that we give?
	6 there's one finished. They're not prejudiced	7	, , ,
	7 because they're collecting their money here. But		MS. CREMER: Well, and I was going
	8 yet they're holding up the show, so to speak, for	8	to answer that.
- 1	9 the thing to get finished. And so we would submit	9	CHAIRMAN HANSON: It just simply
	10 that this really proves our point, and that is why	10	means as long as the docket has not yet been voted
	not let us in and let us get this thing taken care	11	on by the Commission, it's still available for
	12 of and resolved. They're getting their money.	12	intervention regardless of how many deadlines or
	13 CHAIRMAN HANSON: Thank you. Does	13	what we've decided?
	14 staff have a presentation for us?	14	MS. CREMER: No. I believe there's
	15 MS. CREMER: I would just note again	15	a deadline out there, and that's when you issue
ľ	16 that it's not it's not prejudice is not the	16	your procedural schedule. And then you would have
ľ	17 standard. It's unfair prejudice. And as	17	a deadline in there for intervention, as well as
ŀ	18 Mr. Gerdes just pointed out, they're getting their	18	discovery, prefiled testimony, a hearing date.
	19 money. And so for them to claim that they are	19	That could be one of the things that's in your
	20 prejudiced in some manner flies in the face of	20	procedural order is an intervention deadline.
	21 reality. They are not. The people who is being	21	Realistically, do we do that on every docket
	22 prejudiced or when you do your weighing and your	22	that we open? No, we don't. We could. We could
	23 balancing you have to look to the Interveners and	23	put out a procedural schedule for everything, but I
	24 what they can bring to the table. And I think by	24	think it would in 99 percent of the time it
		25	would probably be a waste of administrative effort.
ľ	25 keeping them out, that now you may be talking	20	

ĺ

29 1 as applicable to the whole subject matter 1 So, I mean, I understand their point, but on 2 the other hand there was never a Commission Order 3 of discussion about '04 and various chunch	31 in so far
2 the other hand there was never a Commission Order 3 of discussion about '04 and various chund	
	ningling
	cs of '04,
3 deadline, which is what the rule requires. 4 and I would like to have the record reflect	t that
4 CHAIRMAN HANSON: Thank you. 5 all portions of the record insofar as they'	1
5 Further questions by the Commissioners? 6 pertinent will be applicable to all of the i	
6 Keith, do you have some presentation? I 7 the agenda.	
7 assume not a question.	
8 MR. SENGER: No. I would just like ⁹	
9 to make a clarification. Of the dockets that we're	
10 speaking of now, there was one that was a data	
11 request, a data request issued in July and several 12	
12 in October, November, and December. So it wasn't 13	
13 just all in December. It was over a span of 14	
14 several months. 15	
15 CHAIRMAN HANSON: Thank you. 16	
16 Further questions by the Commission? Is there a 17	
17 Motion?	
18 COMMISSIONER JOHNSON: Mr. Chairma 19	
19 I know we're up against the clock here, but I would 20	1
20 request a five-minute recess. I had some questions 21	
21 for counsel that I would like to ask. 22	
22 CHAIRMAN HANSON: All right. And we 23	
23 have just received word from our staff that they 24	
24 were able to add another hour to the bridge so 25	
25 that I didn't want to announce that earlier so l	
30 1 STATE OF SOUTH DAKOTA)	32
1 figured people would say, oh, we have another hour. 2 :ss CERTIFICATE	
2 MR. SMITH: I happen to know this 3 COUNTY OF HUGHES)	
3 and you guys don't. Our reporter has an issue	
4 at she has a dental appointment at noon. 5 I, CHERI MCCOMSEY WITTLER, a Reg	
6 Professional Reporter and Notary Public in a 6 CHAIRMAN HANSON: We are back on 7 State of South Dakata:	and for the
6 CHAIRMAN HANSON: We are back on 7 State of South Dakota: 7 record. Item number 3. Is there a Motion?	
	y-appointed
8 COMMISSIONER JOHNSON: Mr. Chairma 9 shorthand reporter, I took in shorthand the 1	proceedings
9 if it's acceptable to the other two Commissioners, 10 had in the above-entitled matter on the 27th	day of
10 I would make a Motion under Telecommunications 3, 11 September 2005, and that the attached is a	true and
11 4, 5, and 6 the Commission deny the Motion to	aken.
12 Intervene by all parties. 13 Dated at Pierre, South Dakota this 2	Oth day
13 CHAIRMAN HANSON: Just want to make 14 of October 2005.	
sure we're number 6 is the LECA?	
15 COMMISSIONER JOHNSON: If any of the	
16 Commissioners would like to break that out, I'm	
17 fine voting on them separately, but that's my 18 Motion currently Notary Public and	
19 Registered Professional Repo	rter
19 CHAIRMAN HANSON: I do not need it	
20 broken out. I will second the Motion.	
21 VICE CHAIRMAN SAHR: And I concur. 22	
MR. SMITH: What I'd like to do is 23	
23 because we've I don't know exactly how Cheri was	
24 planning to do the transcripts. That the entirety 25	
25 of the discussion that we've had today be treated	

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