

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE PETITION OF )</b>	<b>ORDER GRANTING</b>
<b>MIDCONTINENT COMMUNICATIONS TO )</b>	<b>PETITION TO AMEND</b>
<b>AMEND ARSD 20:10:33:19 )</b>	<b>RULES; ORDER OPENING</b>
<b>)</b>	<b>RULEMAKING</b>
<b>)</b>	<b>PROCEEDING</b>
<b>)</b>	<b>RM04-001</b>

On April 15, 2004, the Public Utilities Commission (Commission) received a Petition for Rulemaking from Midcontinent Communications. Pursuant to SDCL 1-26-13, "[a]n interested person may petition an agency requesting the promulgation, amendment, or repeal of a rule." Within thirty days after receiving the petition, the Commission must either deny the petition in writing or initiate rulemaking proceedings.

Midcontinent proposed to amend the following rule: ARSD 20:10:33:19. Midcontinent states that advances in technology and consumer preference have made the rule impractical. Midcontinent has filed proposed amendments to the rule.

The Commission has jurisdiction over this matter pursuant to SDCL 1-26-13, 49-31-3, and 49-31-5. On May 11, 2004, the Commission considered Midcontinent's petition. The Commission voted unanimously to grant the petition and initiate rulemaking proceedings. Pursuant to SDCL 1-26-4, a public hearing shall be held on the proposed rules. Pursuant to SDCL 1-26-4.2, notice of the hearing shall be published in three newspapers of general circulation in different parts of the state, and the notice shall also be sent to interested persons. It is therefore

ORDERED, that Midcontinent's Petition for Rulemaking is granted; and it is

FURTHER ORDERED, that the Commission shall open a rulemaking docket concerning the amendment of ARSD 20:10:33:19.

Dated at Pierre, South Dakota, this 13th day of May, 2004.

<p><b>CERTIFICATE OF SERVICE</b></p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.</p> <p>By: _____</p> <p>Date: _____</p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

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ROBERT K. SAHR, Chairman

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GARY HANSON, Commissioner

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JAMES A. BURG, Commissioner