

Telecommunications Orders - Issued 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE PETITIONS FOR ARBITRATION ON BEHALF OF DAKOTA TELECOM, INC., AND DAKOTA TELECOMMUNICATIONS SYSTEMS, INC. WITH U S WEST COMMUNICATIONS, INC.))))	PROCEDURAL SCHEDULE; ORDER FOR AND NOTICE OF HEARING TC96-159
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On August 27, 1996, the Public Utilities Commission (Commission) received a Petition for Arbitration from Dakota Telecom, Inc. (DTI) between DTI and U S WEST Communications, Inc. (U S WEST) and a Petition to Mediate Negotiations for Dakota Telecommunications Systems, Inc. (DTS) between DTS and U S WEST. On September 23, 1996, the Commission received a Motion to Dismiss or, in the Alternative, the Response of U S WEST to DTI's Petition for Arbitration. On October 1, 1996, the Commission received DTI's Reply to U S WEST's Motion to Dismiss.

On October 1, 1996, the Commission received a Petition for Arbitration from DTS. The Petition requested the Commission to arbitrate the negotiations for interconnection between DTS and U S WEST.

By Order dated September 27, 1996, the Commission set a prehearing conference for October 7, 1996, at 3:30 P.M., in Room 412 of the Capitol Building, Pierre, South Dakota.

At the prehearing conference the Commission decided to consolidate the two Petitions for Arbitration from DTS and DTI and set a procedural schedule and hearing date.

The procedural schedule is as follows:

DTS and DTI shall file prefiled testimony along with a list of resolved and unresolved issues on or before October 18, 1996;

U S WEST and any intervenors shall file reply testimony along with a list of resolved and unresolved issues on or before October 28, 1996;

A hearing shall be held on this matter November 4-6, 1996. The hearing will begin at 9:00 A.M., on November 4, 1996, and will be held in Room 412 of the State Capitol, Pierre, South Dakota;

The parties shall file proposed Findings of Fact and Conclusions of Law on or before November 20, 1996;

The Commission will issue a written decision on or before December 13, 1996.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31 and the Telecommunications Act of 1996. The Commission may rely upon any or all of these or other laws of

this state in making its determination.

The issues at the hearing will be to resolve any open issues involved in the negotiations between DTS and U S WEST and DTI and U S WEST.

The hearing is an adversary proceeding conducted pursuant to SDCL Chapters 1- 26. All parties have the right to attend and represent themselves or be represented by an attorney. However, such rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the final decision will be based solely on testimony and evidence provided, if any, during the hearing or a final decision may be issued by default pursuant to SDCL 1-26-20.

The Commission, after examining the evidence and hearing testimony presented by the parties, shall make Findings of Fact, Conclusions of Law, and its final decision. As a result of the hearing, the Commission shall resolve any open issues. The final decision made by the Commission may be appealed by the parties. It is therefore

ORDERED, that the Petitions for Arbitration between DTS and U S WEST and DTI and U S WEST are consolidated; and it is

FURTHER ORDERED, that all parties shall follow the procedural schedule as set forth above; and it is

FURTHER ORDERED, that the hearing shall be held on this matter November 4-6, 1996. The hearing will begin on November 4, 1996, at 9:00 A.M., in Room 412 of the State Capitol, Pierre, South Dakota.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800- 332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 10th day of October, 1996.

CERTIFICATE OF SERVICE

BY ORDER OF THE COMMISSION:

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.

KENNETH STOFFERAHN, Chairman

By: _____

JAMES A. BURG, Commissioner

Date: _____

(OFFICIAL SEAL)

LASKA SCHOENFELDER,
Commissioner

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