

## Telecommunications Orders - Issued 1996

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

IN THE MATTER OF THE PETITION FOR ) PROCEDURAL SCHEDULE;  
 ARBITRATION ON BEHALF OF WESTERN WIRELESS ) ORDER FOR AND NOTICE  
 CORPORATION WITH U S WEST COMMUNICATIONS, ) OF HEARING  
 INC. )  
 ) TC96-160

On September 6, 1996, the Public Utilities Commission (Commission) received a Petition for Arbitration from Western Wireless Corporation, d/b/a Cellular One (Western Wireless). Western Wireless petitioned the Commission, pursuant to Section 252(b)(1) of the Telecommunications Act of 1996, to arbitrate open issues related to its interconnection negotiations with U S WEST.

By Order dated September 27, 1996, the Commission set a prehearing conference for October 7, 1996, at 1:30 P.M., in Room 412 of the Capitol Building, Pierre, South Dakota. On October 1, 1996, the Commission received the Response of U S WEST to Western Wireless' Petition for Arbitration. Along with the Response of U S WEST, U S WEST also filed a Motion to Dismiss that portion of Western Wireless' Petition for Arbitration that sought to use the Federal Communication Commission's proxy rates during the course of the arbitration while new interconnection rates were being established.

At the prehearing conference the following procedural schedule was set:

Western Wireless and U S WEST shall file prefiled testimony along with a list of resolved and unresolved issues on or before October 28, 1996;

Western Wireless and U S WEST and any intervenor may file optional re al testimony on or before November 15, 1996;

A hearing will be held on this matter November 26-27, 1996. The hearing will begin at 8:30 A.M., on November 26, 1996, and will be held in Room 412 of the State Capitol, Pierre, South Dakota;

The parties shall submit proposed Findings of Fact and Conclusions of Law on or before December 11, 1996;

The Commission will issue a written decision on any unresolved issues on or before December 24, 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 before the Commission will be to resolve all open issues related to the appropriate charges for interconnection in the transport and termination of telecommunications traffic.

The hearing is an adversary proceeding conducted pursuant to SDCL Chapter 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 will 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 will resolve any open issues related to the appropriate charges for interconnection in the transport and termination of telecommunications traffic. The final decision made by the Commission may be appealed by the parties. It is therefore

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

FURTHER ORDERED, that the hearing shall be held November 26-27, 1996, in Room 412 of the State Capitol, Pierre, South Dakota. The hearing will begin on November 26, 1996, at 8:30 A.M.

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.

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KENNETH STOFFERAHN, Chairman

By: \_\_\_\_\_

\_\_\_\_\_  
JAMES A. BURG, Commissioner

Date: \_\_\_\_\_

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LASKA SCHOENFELDER,  
Commissioner

(OFFICIAL SEAL)

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