

Telecommunications Orders - Issued 1997

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

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| <p>IN THE MATTER OF THE FILING BY DAKOTA TELECOM, INC., DAKOTA TELECOMMUNICATIONS SYSTEMS, INC., AND DAKOTA COOPERATIVE TELECOMMUNICATIONS, INC., FOR INTERCONNECTION WITH FORT RANDALL TELEPHONE COMPANY</p> | <p>)))))</p> | <p>ORDER FOR AND NOTICE OF HEARING AND PROCEDURAL SCHEDULE</p> <p>TC97-062</p> |
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On June 3, 1997, Dakota Telecom, Inc., Dakota Telecommunications Systems, Inc., and Dakota Cooperative Telecommunications, Inc. (collectively Dakota) filed a Notice of Request for Interconnection with Fort Randall Telephone Company (Fort Randall) with the South Dakota Public Utilities Commission (Commission).

A July 15, 1997, regularly scheduled meeting, the Commission granted intervention to SDITC. At a July 18, 1997, ad hoc meeting, the Commission found Dakota's request was not a bona fide request as required by 47 U.S.C. Section 251 (f)(1). The Commission further found that it would hold a hearing on whether Dakota shall be required to meet Eligible Telecommunications Carrier (ETC) requirements before being allowed to provide service in exchanges owned by Fort Randall.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, ARSD Chapter 20:10:01 and the Telecommunications Act of 1996 (Act). The Commission may rely upon any or all of these or other laws of this state in making its determination.

The issue at this hearing is: whether Dakota shall be required to meet ETC requirements before being permitted to provide service in exchanges owned by Fort Randall.

The procedural schedule for the hearing shall be as follows:

The hearing on Dakota's request shall be held on August 26, 1997, at 9:00 a.m., at the Embassy 1 Room in the Holiday Inn City Centre located at 100 West 8th Street, Sioux Falls, South Dakota.

Dakota shall file testimony on or before August 11, 1997; Fort Randall shall file testimony on or before August 20, 1997.

Persons testifying will be subject to cross-examination by the parties. The order of the proceeding will be in the following sequence: (1) Dakota, (2) Fort Randall, and (3) Staff.

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 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 a Final Decision. As a result of the hearing the Commission may determine whether Dakota shall be required to meet ETC requirements before providing service in exchanges owned by Fort Randall. The Final Decision made by the Commission may be appealed by the parties to the Circuit Court and the South Dakota Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held on whether Dakota shall be required to meet ETC requirements before providing service in exchanges owned by Fort Randall at the time and place specified above and that the parties shall file prefiled testimony on or before the dates specified above.

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 31st day of July, 1997.

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| <p style="text-align: center;">CERTIFICATE OF SERVICE</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 style="text-align: center;">(OFFICIAL SEAL)</p> | <p>BY ORDER OF THE COMMISSION:</p> <p>Commissioners Burg, Nelson and Schoenfelder</p> <p>_____</p> <p>WILLIAM BULLARD, JR., Executive Director</p> |
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