

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

| | |
|--|-----------------------------|
| IN THE MATTER OF THE FILING BY DAKOTA) | ORDER APPROVING |
| TELECOM, INC., DAKOTA) | SETTLEMENT AGREEMENT |
| TELECOMMUNICATIONS SYSTEMS, INC.,) | AND CLOSING DOCKET |
| AND DAKOTA COOPERATIVE) | |
| TELECOMMUNICATIONS, INC., FOR) | TC97-062 |
| INTERCONNECTION WITH FORT RANDALL) | |
| TELEPHONE COMPANY) | |

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 Public Utilities Commission (Commission). At its July 15, 1997, 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 issued a hearing notice on July 31, 1997, to consider whether Dakota should be required to meet Eligible Telecommunications Carrier (ETC) requirements before being allowed to provide service in exchanges owned by Fort Randall.

On August 4, 1997, Dakota filed an appeal of this matter to the Circuit Court, Sixth Judicial Circuit and sought a stay in these proceedings. On August 8, 1997, Fort Randall and intervenor SDITC filed for removal of the appeal to the United States District Court, District of South Dakota. Dakota requested that the Commission suspend these proceedings in light of these appeals. By order dated August 14, 1997, the Commission suspended the procedural schedule in this matter.

On August 15, 1997, Dakota filed an application with the Commission requesting interconnection, services and network elements from Fort Randall and requesting that the Commission determine whether the exemption from the obligation of negotiating interconnection with Dakota by Fort Randall should be terminated.

This matter again came to the Commission at its September 9, 1997, regular meeting, at which time it found Dakota's request for interconnection dated August 15, 1997, to be a bona fide request. A hearing was ordered on October 3, 1997, and was held on November 3, 1997, in the State Capitol.

On November 21, 1997, the Commission received a Settlement Agreement between the parties. The parties requested that the Commission approve paragraphs 1-4 of the Settlement Agreement and close the docket.

At its regularly scheduled December 2, 1997, meeting, the Commission considered the Settlement Agreement dated November 19, 1997, and which was entered into between Dakota and Fort Randall.

The Commission has jurisdiction over this matter pursuant to Chapters 1-26 and 49-31, SDCL and the Telecommunications Act of 1996.

Upon review of the Settlement Agreement, the Commission found that it would approve paragraphs 1-4 of the Settlement Agreement. As the Commission's final decision in this matter, it is therefore

ORDERED that the Settlement Agreement is incorporated by reference and the Commission approves paragraphs 1-4; and it is

FURTHER ORDERED that the docket is closed.

Dated at Pierre, South Dakota, this 12th day of December, 1997.

| | |
|--|--|
| CERTIFICATE OF SERVICE | |
| 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. | |
| By: <u>Alvin Kalbs</u> | |
| Date: <u>12/12/97</u> | |
| (OFFICIAL SEAL) | |

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner