

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

IN THE MATTER OF THE SALE OF THE STOCK OF JEFFERSON TELEPHONE CO. TO JEFFERSON COMMUNICATIONS, LLC.))))	ORDER FOR AND NOTICE OF HEARING AND PROCEDURAL SCHEDULE TC97-159
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On September 23, 1997, the Commission received a joint application from Jefferson Telephone Co. and Jefferson Communications, LLC, collectively referred to as Applicants. The Applicants jointly applied to the Commission for approval of the sale of the stock of Jefferson Telephone Co. to Jefferson Communications, Inc.

On September 25, 1997, the Commission electronically transmitted notice of the filing and the intervention deadline of October 10, 1997, to interested individuals and entities. No parties have sought intervention in this docket.

On October 10, 1997, Commission staff filed a resistance to Jefferson Communications' request that the purchase price of the exchange be afforded confidential treatment on the grounds that Jefferson Communications has not shown entitlement to such treatment as a matter of law and further upon the grounds that the public is entitled to such information concerning public utilities.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, including but not limited to SDCL 49-31-59, and ARSD Chapter 20:10:01. The Commission may rely upon any or all of these or other laws of this state in making its determination.

A hearing on this application will begin at 2:30 P.M., on December 4, 1997, at the Jefferson Community Center, Jefferson, South Dakota, for the consideration of this matter.

The issues at the hearing are:

1. Is the purchase price of the exchange confidential and therefore not subject to disclosure to the public?
2. Whether the sale of the stock of Jefferson Telephone Co. to Jefferson Communications' should be approved?

The public is invited to participate by testifying at the hearing. All persons so testifying will be subject to cross-examination by the parties. The order of the proceeding will be in the following sequence: (1) Applicant and (2) 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 rule that the purchase price of the telephone exchange which is the

subject of this docket shall be disclosed to the public and it may either approve or reject the application. 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 (1) Commission staff's motion regarding confidentiality of the purchase price and (2) this joint application for approval of the above referenced telephone exchange within the state of South Dakota at the time and place specified above. It is further

ORDERED that prefiled testimony shall be filed pursuant to the following schedule:

Applicants will file initial testimony on or before November 28, 1997.

Applicants will be allowed to offer rebuttal at the hearing.

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 21 day of November 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>Wendie Kaelo</u>
Date:	<u>11/21/97</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:
Commissioners Burg, Nelson and
Schoenfelder

William Bullard, Jr.
WILLIAM BULLARD, JR.
Executive Director