

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING BY U S WEST COMMUNICATIONS, INC. FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER))))	ORDER GRANTING AND DENYING REQUESTS FOR RECONSIDERATION TC97-163
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On October 10, 1997, the Public Utilities Commission (Commission) received a request for designation as an eligible telecommunications carrier (ETC) from U S WEST Communications, Inc. (U S WEST). U S WEST requested designation as an eligible telecommunications carrier for all areas in which it is authorized to provide service in South Dakota.

The Commission electronically transmitted notice of the filing and the intervention deadline to interested individuals and entities. No person or entity filed to intervene. By order dated November 7, 1997, the Commission set the hearing for this matter for 1:30 p.m. on November 19, 1997, in Room 412, State Capitol, Pierre, South Dakota.

The hearing was held as scheduled. At its December 12, 1997, meeting, the Commission granted ETC designation to U S WEST, granted waivers for the provisioning of toll control and single party service, and designated each of its exchanges as a separate service area. The Commission issued its written decision on December 17, 1997.

On January 8, 1998, the Commission received an Application for Rehearing from U S WEST. U S WEST requested that the Commission rehear and reconsider Finding of Fact XX, Conclusion of Law VI, and an ordering clause that addresses the provisioning of single party service. U S WEST stated that it should have relied on ¶ 93 of the FCC's universal service order in CC Docket No. 96-45 (FCC 97-157). This paragraph provides as follows:

[The FCC] recognize[s] that some state commissions already may have mandated single-party service for telecommunications service providers serving their jurisdictions. If a state commission has adopted a timetable by which carriers must offer single-party service, a carrier may rely upon that previously established timetable and need not request another transition period for federal universal service purposes. Specifically, where a state has ordered a carrier to provide single-party service within a specified period pursuant to a state order that precedes the release date of this Order, the carrier may rely upon the timetable established in that order and receive universal service support for the duration of that period.

U S WEST stated that in Docket TC96-121, the Commission approved a stipulation entered into between U S WEST and Commission Staff which included a timetable for single-party service to be completed by the end of the year 2000. U S WEST requested that it be allowed to rely on this approved timetable pursuant to ¶ 93.

On February 2, 1998, U S WEST also requested that the Commission consider revising its final order in this docket to reflect the FCC's recent revision of the toll limitation requirements. See Fourth Order on Reconsideration, CC Docket No. 96-45 ¶ 115 (December 30, 1997).

At its February 3, 1998, meeting, the Commission considered both requests for reconsideration. The Commission voted unanimously to deny U S WEST's request to rely on the timetable established in the investment plan in Docket TC96-121. The Commission found U S WEST could not rely on that timetable since U S WEST had unilaterally suspended the investment plan. The Commission then voted unanimously to reconsider the toll limitation requirements in light of the FCC's recent revisions concerning that issue. Upon reconsideration, the Commission voted unanimously to revise its order in this docket to reflect the FCC's toll limitation revision. It is therefore

ORDERED, that U S WEST's request to reconsider the Commission's decision regarding the implementation of single-party service is denied; and it is

FURTHER ORDERED, that U S WEST's request to reconsider the Commission's decision regarding toll limitation is granted; and it is

FURTHER ORDERED, that the Commission shall amend its Final Order and Decision in this docket to reflect the FCC's revisions regarding toll limitation.

Dated at Pierre, South Dakota, this 10th day of March, 1998.

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.

JAMES A. BURG, Chairman

By: _____

PAM NELSON, Commissioner

Date: _____

LASKA SCHOENFELDER,
Commissioner

(OFFICIAL SEAL)