

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

IN THE MATTER OF THE FILING BY)	ORDER APPROVING
BERESFORD MUNICIPAL TELEPHONE)	DIALING PARITY
COMPANY FOR APPROVAL OF DIALING)	IMPLEMENTATION PLAN
PARITY IMPLEMENTATION PLAN AND)	
PETITION FOR SUSPENSION AND)	TC99-047
MODIFICATION OF DIALING PARITY)	

On April 21, 1999, Beresford Municipal Telephone Company (Beresford Municipal Telephone) filed with the Public Utilities Commission (Commission) for approval of its dialing parity implementation plan and, pursuant to ARSD 20:10:32:39 and 47 U.S.C. 251(f)(2), a petition for suspension and modification of the requirement for implementing intraLATA dialing parity until September 15, 1999. Beresford Municipal Telephone Company has fewer than 2% of the nation's subscriber lines installed in the aggregate. "Beresford Municipal Telephone Company seeks the suspension and modification because at this time negotiations are ongoing and no decision has yet been reached regarding whether or not intraLATA equal access will be provided by South Dakota Network as centralized equal access, or, if Beresford Municipal Telephone Company will make the requisite changes to provide intraLATA dialing parity from its end offices. It is technically infeasible and, hence, inconsistent with the public interest, to reach this decision and implement either alternative by July 22, 1999, the deadline according to [the FCC order in CC Docket No. 96-98, Order adopted March 19 and released March 23, 1999,] FCC 99-54." Beresford Municipal Telephone submitted a centralized intraLATA equal access plan.

The Commission requested comments on Beresford Municipal Telephone's petition for suspension and modification. No parties opposed granting the petition and Commission Staff recommended granting the petition.

At its June 15, 1999, meeting, the Commission considered whether to grant the petition. The Commission has jurisdiction over this matter pursuant to SDCL 49-31-80 and 49-31-81, ARSD 20:10:32:39, and the federal Telecommunications Act of 1996, specifically §§ 251 and 252. The Commission voted unanimously to grant the petition for suspension and modification of the requirement for implementing intraLATA dialing parity until September 15, 1999. The Commission found, pursuant to SDCL 49-31-81 and section 251(f)(2), that the suspension and modification is necessary to avoid imposing a requirement that is technically infeasible since Beresford Municipal Telephone needs additional time to decide whether intraLATA equal access will be provided by the South Dakota Network as centralized equal access, or, if Beresford Municipal Telephone will make the necessary changes to provide intraLATA dialing parity from its end offices. The Commission further found that the suspension and modification is consistent with the public interest, convenience, and necessity. In making this determination, the Commission noted that the suspension and modification is for a short time period.

At its June 15, 1999, meeting, the Commission set certain requirements for intraLATA dialing plans. See, *In the Matter of the FCC Order Establishing New Deadlines for Implementation of IntraLATA Dialing Parity by Local Exchange Carriers, Order Setting Requirements for Plans*, Docket TC99-030. On June 17, 1999, Beresford Municipal Telephone filed an amendment to its dialing parity implementation plan. At its June 22, 1999, meeting, the Commission considered whether to approve Beresford Municipal Telephone's amended plan. The Commission voted unanimously to approve Beresford Municipal Telephone's amended intraLATA dialing parity implementation plan. The Commission finds the plan complies with the applicable FCC and Commission orders.

It is therefore

ORDERED, that Beresford Municipal Telephone's amended dialing parity implementation plan is approved.

Dated at Pierre, South Dakota, this 22nd day of June, 1999.

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> <i>Delaine Kalbs</i> </u>
Date: <u> <i>6/23/99</i> </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