

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

IN THE MATTER OF THE SALE BY U S WEST)) <u>AMENDED ORDER FOR</u>
COMMUNICATIONS, INC. OF THE SISSETON)) AND NOTICE OF
TELEPHONE EXCHANGE TO VENTURE)) PROCEDURAL SCHEDULE
COMMUNICATIONS, INC. AND SULLY)) AND HEARING
BUTTES TELEPHONE COOPERATIVE, INC.)) TC99-112

On December 2, 1999, U S WEST Communications, Inc. (U S WEST) and Sully Buttes Telephone Cooperative, Inc. (SBTC) and Venture Communications, Inc. (VCI), jointly applied to the South Dakota Public Utilities Commission (Commission) for approval of the sale of U S WEST's Sisseton Telephone Exchange to VCI/SBTC. The joint application stated that U S WEST and VCI entered into an Agreement for Purchase and Sale of Telephone Exchanges (Purchase Agreement) on July 23, 1999. The application further states that "[p]ursuant to the terms of the Purchase Agreement and subject to the approval of this Commission, U S WEST will transfer to VCI/SBTC all of the physical assets and operations of the Sisseton Exchange. After the transfer, VCI/SBTC will own, operate and manage the Sisseton Exchange."

On December 9, 1999, the Commission electronically transmitted notice of the filing and the intervention deadline of December 23, 1999, to interested individuals and entities. No petitions to intervene or comments were filed.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, specifically 1-26-17.1, 1-26-18, 1-26-19, 1-26-19.1, 49-31-2, 49-31-3, 49-31-3.1, 49-31-7, 49-31-7.1, 49-31-10, 49-31-11, and 49-31-59. The Commission may rely upon any or all of these or other laws of this state in making its determination. The Commission sets the following procedural schedule:

U S WEST and VCI/SBTC shall file direct testimony on or before January 31, 2000;

Staff and any intervenors may file reply testimony on or before March 16, 2000;

U S WEST and VCI/SBTC may file rebuttal testimony on or before March 30, 2000.

A hearing shall be held on April 10, 2000, at ~~4:30~~ 12:30 P.M. (CST), in the County Commission Meeting Room of the Roberts County Courthouse, 412 E. 3rd Ave., Sisseton, South Dakota. The issue at the hearing is whether the sale by U S WEST of the Sisseton Telephone Exchange to VCI/SBTC should be approved. Pursuant to SDCL 49-31-59, the Commission must consider the following when evaluating the application: the protection of the public interest, the adequacy of local telephone service, the reasonableness of rates for local service, the provision of 911, Enhanced 911, and other public safety services, the payment of taxes, and the ability of the local exchange company to provide modern, state-of-the-art telecommunications services that will help promote economic development, telemedicine, and distance learning in rural South Dakota.

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) U S WEST; (2) VCI/SBTC; (3) Staff; and (4) the public in general.

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 either approve or reject the proposed sale of the Sisseton Telephone Exchange. 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 the joint application for approval of the sale by U S WEST of the Sisseton Telephone Exchange to VCI/SBTC at the time and place 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 9th day of March, 2000.

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>Debra Kaelbo</u>
Date:	<u>3/10/00</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