

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

**IN THE MATTER OF THE ANALYSIS OF) ORDER DENYING MOTION
QWEST CORPORATION'S COMPLIANCE) TO REOPEN RECORD;
WITH SECTION 271(c) OF THE) ORDER DENYING PETITION
TELECOMMUNICATIONS ACT OF 1996) TO INTERVENE; ORDER
) EXTENDING BRIEFING
) SCHEDULE
) TC01-165**

On October 25, 2001, Qwest Corporation (Qwest) filed with the Commission a Petition for Commission Recommendation that the Federal Communications Commission Grant Qwest Corporation Entry into the In-Region InterLATA Market Under Section 271 of the Telecommunications Act Of 1996. Specifically, Qwest requests that this Commission find, based upon the record presented, that Qwest has met the competitive checklist and other requirements of 47 U.S.C. section 271, which prescribe the mechanism by which Qwest may be found eligible to provide in-region interLATA services and rely upon that finding to provide a favorable recommendation to the Federal Communications Commission (FCC). In support of its petition, Qwest submitted 25 affidavits, a revised Statement of Generally Available Terms, and seven Reports submitted in the Seven-State Process.

On November 1, 2001, the Commission electronically transmitted notice of the filing and the intervention deadline of November 16, 2001, to interested individuals and entities. A Petition for Leave to Intervene was received from Black Hills FiberCom, L.L.C. (Black Hills) on November 7, 2001, a Petition to Intervene was received from Midcontinent Communications (Midcontinent) on November 9, 2001, and a Petition for Leave to Intervene was received from AT&T Communications of the Midwest, Inc. (AT&T) on November 15, 2001. At its November 27, 2001, meeting, the Commission granted the interventions. The Commission also requested that the parties submit proposed procedural schedules by December 7, 2001. The Commission received proposed procedural schedules from all of the parties.

At its December 12, 2001, meeting, the Commission considered the proposed procedural schedules. The Commission set the following procedural schedule:

January 18, 2002 - Intervenors and Staff identify disputed issues (except for issues relating to the final OSS report which has not been issued yet);

February 7, 2002 - A prehearing conference will be held beginning at 2:30 p.m., in Room 468, State Capitol Building, Pierre, South Dakota;

March 18, 2002 - Staff and Intervenors' testimony is due;

April 2, 2002 - Qwest may file rebuttal testimony; and

April 22-26, 2002 - A hearing will be held beginning at 9:00 a.m. on April 22, 2002 and continuing through April 26, 2002, in Room 412, State Capitol Building, Pierre, South Dakota.

The hearing was held as scheduled, beginning on April 22, 2002 and ending on April 30, 2002. At the conclusion of the hearing, the Commission set a post-hearing briefing schedule.

On May 14, 2002, the Commission received from AT&T a Motion to Reopen Proceedings. On May 24, 2002, the Commission received Qwest Corporation's Opposition to AT&T's Motion to Reopen Proceedings. On May 30, 2002, the Commission received AT&T's Reply to Qwest Corporation's Opposition to AT&T's Motion to Reopen Proceedings. On June 4, 2002, the Commission received Touch America Inc.'s Petition to Intervene and Motion to Reopen Issues. On June 11, 2002, the Commission received Qwest's Opposition to Touch America's Petition to Intervene and Motion to Reopen Issues.

At its June 13, 2002, meeting, the Commission considered AT&T's and Touch America's motions. After listening to the arguments by the parties, the Commission voted to deny AT&T's Motion to Reopen Proceedings because the record was still open. In addition, the Commission had previously requested, among other things, that Qwest file copies of any written agreements with competitive local exchange companies that had not been filed with the Commission. See Hearing Transcript for April 30, 2002, at pages 6-7. The Commission points out that this is the type of information that AT&T was requesting be placed into the record. Qwest responded to the Commission's request for information on June 13, 2002. Since Qwest's response had just been filed, the Commission extended the current briefing schedule for Intervenors and Staff until July 1, 2002. The Commission denied Touch America's Petition to Intervene due to its untimeliness. The Commission notes that the deadline for intervention in this proceeding was November 16, 2001, a hearing has been held, the parties are currently briefing the issues, and the issues raised by Touch America are not issues that have just arisen. Since the Commission did not grant Touch America's Petition to Intervene, Touch America's Motion to Reopen Issues was moot. It is therefore

ORDERED, that AT&T's Motion to Reopen Proceedings is denied; and it is

FURTHER ORDERED, that Touch America's Petition to Intervene is denied; and it is

FURTHER ORDERED, that the Intervenors and Staff shall file briefs on or before July 1, 2002.

Dated at Pierre, South Dakota, this 27th day of June, 2002.

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>Delaine Kalbo</u>
Date:	<u>6/28/02</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Robert K. Sahr
ROBERT K. SAHR, Commissioner