

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

IN THE MATTER OF THE PETITION OF THE ) SOUTH DAKOTA DEPARTMENT OF ) TRANSPORTATION FOR A DECLARATORY ) RULING REGARDING SDCL 49-31-1.1 )	)	ORDER CANCELLING HEARING  TC02-100
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On August 5, 2002, the South Dakota Public Utilities Commission ("Commission") received a Petition for Declaratory Ruling from the South Dakota Department of Transportation (Petitioner) requesting the Commission to make a declaratory ruling on the following question: Is 511 a noncompetitive service as defined by SDCL 49-31-1.1, so as to give rise to Commission price regulation in accordance with SDCL 49-31-4 and 49-31-1.4?

The Commission has jurisdiction over this matter pursuant to SDCL 1-26-15, ARSD 20:10:01:34 and 20:10:01:35, SDCL 49-1-11 and SDCL Chapter 49-31, particularly 49-31-3, 49-31-1.1 through 49-31-1.4, inclusive, 49-31-4 and 49-31-4.1.

On August 8, 2002, the Commission electronically transmitted notice of the filing and the intervention deadline of March 14, 2002, to interested individuals and entities. Qwest Corporation (Qwest) filed a Petition for Leave to Intervene on August 9, 2002. On August 15, 2002, the Commission granted intervention to Qwest. By order dated August 22, 2002, a hearing was scheduled for August 29, 2002, beginning at 1:30 P.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota.

On August 28 2002, Petitioner filed a request to withdraw the petition on the grounds that a settlement had been reached between Petitioner and Qwest. It is therefore

ORDERED, that the hearing scheduled for August 29, 2002, is cancelled.

Dated at Pierre, South Dakota, this 29nd day of August, 2002.

<b>CERTIFICATE OF SERVICE</b>
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>Tina Douglas</u>
Date: <u>8-29-02</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Robert K. Sahr by  
ROBERT K. SAHR, Commissioner

John Smith  
by John Smith