

**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 PERMITTING WITHDRAWAL OF PETITION AND CLOSING DOCKET 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 Petition states that Petitioner has been approved by the Federal Highway Administration for its 511 Traveler Information Telephone Number Program Support Assistance Program to deploy a statewide 511 number providing travel information services.

On August 8, 2002, the Commission electronically transmitted notice of the filing and the intervention deadline of August 14, 2002, to interested individuals and entities. Qwest Corporation (Qwest) filed a Petition for Leave to Intervene on August 9, 2002. At a regularly scheduled meeting of August 15, 2002, the Commission granted intervention to Qwest.

On August 28, 2002, Petitioner requested that its Petition for Declaratory Ruling be withdrawn.

At its regularly scheduled September 5, 2002, meeting, the Commission considered this matter. 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. The Commission found that Petitioner's request to withdraw its Petition for Declaratory Ruling is reasonable and closed the docket. It is therefore

ORDERED, that Petitioner shall be permitted to withdraw its Petition for Declaratory Ruling, and it is further

ORDERED, that this docket is closed.

Dated at Pierre, South Dakota, this 18th day of September, 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><i>Arlaine Kalbs</i></u>
Date: <u>9/20/02</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