

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

IN THE MATTER OF S&S)	ORDER GRANTING
COMMUNICATIONS/ALTERNA-CELL'S)	MOTION TO ISSUE
COMPLIANCE WITH COMMISSION)	ORDER TO SHOW CAUSE
ORDER)	
)	TC02-166

On September 27, 2002, the Commission received a Motion from Staff requesting that the Commission issue an Order To Show Cause to S&S Communications/Alterna-Cell (S&S) as to why S&S should not be found in violation of the Order Granting Certificate of Authority in TC00-114 (Order) and of the laws of the State of South Dakota, including, but not limited to SDCL 49-31-7.1 and ARSD 20:10:01:28, 20:10:06:05 and 20:10:24:05.05. According to the Motion, Staff sent numerous data requests to S&S in order to determine the proper amount of bond which S&S must post pursuant to the Order. On September 24, 2002, Staff received a letter from S&S objecting to providing this information. The Motion alleged that this denial was in violation of state law and alleges that S&S is not properly bonded. Staff seeks an Order compelling, inter alia, S&S to produce information requested by Staff, compelling S&S to meet the bond requirements of the Order or suspending or revoking S&S' certificate of authority.

On October 3, 2002, the Commission electronically transmitted notice of the filing and the intervention deadline of October 16, 2002, to interested individuals and entities. On October 16, 2002 the Commission received a Petition For Intervention from LECA (et al). On October 17, at its regularly scheduled meeting, the Commission considered whether to grant LECA (et al) intervention. The Commission also considered whether to grant Staff's Motion for the Commission to issue an Order To Show Cause. Staff recommended deferring the issue of whether to grant LECA (et al) intervention. Staff also recommended that the Commission issue an Order To Show Cause as to why S&S should not be found in violation the Order issued in TC00-114 and South Dakota law. The Commission voted unanimously to defer action on whether to grant LECA (et al) intervention and voted unanimously to grant Staff's Motion To Issue An Order To Show Cause. LECA subsequently withdrew its Petition For Intervention.

The Commission has jurisdiction over this matter pursuant to SDCL 49-31, specifically, but not necessarily limited to, 49-31-3, 49-31-7.1 and ARSD 20:10:24:02, 20:10:24:03 and 20:10:24:04.02. The Commission voted unanimously to grant Staff's Motion For An Order To Show Cause. It is therefore

ORDERED, that an Order To Show Cause shall be issued by the Commission directing S&S Communications to appear at a time and date to be specified therein to SHOW CAUSE as to why it should not be found in violation of the Order issued in TC00-114 and in violation of SDCL 49-31-3, 49-31-7.1, ARSD 20:10:24:04:02 and any other applicable law.

Dated at Pierre, South Dakota, this 28th day of October, 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: Tina Douglas

Date: October 28, 2002

(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