

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

IN THE MATTER OF THE PETITION FOR) ARBITRATION ON BEHALF OF WWC) LICENSE L.L.C. WITH CERTAIN) INDEPENDENT LOCAL EXCHANGE) COMPANIES)))))))	ORDER DISMISSING AND CLOSING DOCKET TC02-176
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On October 31, 2002, WWC License L.L.C. (Western Wireless) filed a Petition for Arbitration with the Public Utilities Commission (Commission) to arbitrate the unresolved issues that remain after negotiations for an interconnection agreement between Western Wireless and the following rural telephone companies:

- Armour Independent Telephone Company
- Baltic Telecom Cooperative
- Beresford Municipal Telephone Co.
- Bridgewater-Canistota Independent Telephone
- Brookings Municipal Telephone d/b/a Swiftel Communications
- City of Faith Telephone Company
- Cheyenne River Sioux Tribe Telephone Authority
- East Plains Telecom, Inc.
- Fort Randall Telephone Company
- Golden West Telecommunications Cooperative
- Interstate Telecommunications Cooperative, Inc.
- James Valley Cooperative Telephone Company
- Jefferson Telephone Company n/k/a Long Lines Ltd.
- Kadoka Telephone Company
- Kennebec Telephone Company
- McCook Cooperative Telephone Company
- Midstate Communications, Inc.
- Mt. Rushmore Telephone Company
- RC Communications, Inc.
- Roberts County Telephone Cooperative Association
- Sancom, Inc. n/k/a Santel Communications Cooperative
- Sioux Valley Telephone Company
- Splitrock Telecom Cooperative, Inc.
- Splitrock Properties, Inc.
- Stockholm-Strandburg Telephone Co.
- Sully Buttes Telephone Cooperative, Inc. n/k/a Venture Communications Cooperative

Tri-County Telcom, Inc.
Union Telephone Company
Valley Telecommunications Cooperative
Venture Communications, Inc. n/k/a Venture Communications Cooperative
Vivian Telephone Company d/b/a Golden West Communications, Inc.
West River Cooperative Telephone Co.
West River Telecommunications Cooperative
Western Telephone Company

[hereafter referred to as the RTCs]. During negotiations, the parties agreed to extend the arbitration window and agreed that the arbitration "window" would close on October 31, 2002. On November 25, 2002, the RTCs submitted their response to the Petition for Arbitration.

On November 22, 2002, PrairieWave Community Telephone, Inc. (PrairieWave) submitted a Petition to Intervene. On November 27, 2002, Western Wireless submitted its opposition to PrairieWave's Petition to Intervene. On December 18, 2002, PrairieWave submitted a Motion for Leave to Amend Petition to Intervene and an Amended Petition for Leave to Intervene. On December 18, 2002, Western Wireless and the RTCs filed a Stipulation for Scheduling Order and a Stipulated Procedural Schedule. Pursuant to the Stipulated Procedural Schedule, the parties agreed to deadlines for discovery, prefiled testimony, and hearing exhibits. The parties also stipulated to hearing dates and due dates for post-hearing briefs. The Stipulation further provided that the parties agreed that the Commission's deadline to issue an order resolving the issues pursuant to 47 U.S.C. section 252(b)(4) will be April 24, 2003, and set the date for filing signed agreements that conform to the Commission's order.

At its December 19, 2002, meeting, the Commission considered the Amended Petition for Leave to Intervene, the assessment of filing fees, and the Stipulated Procedural Schedule. At the meeting, Western Wireless and the RTCs stated that they had agreed to allow PrairieWave to intervene on a limited basis. The parties agreed that PrairieWave would not be allowed to testify or submit discovery, but PrairieWave would be allowed to conduct cross-examination at the hearing. Based on this agreement among the parties, the Commission granted PrairieWave's Petition for Leave to Intervene. The Commission also voted to require the companies to make a deposit not to exceed \$75,000.00, pursuant to SDCL 49-31-44. SDCL 49-31-44 authorizes the Commission to require a deposit of up to seventy-five thousand dollars (\$75,000) in the telecommunications investigation fund to defray Commission expenses incident to analyzing and ruling upon this type of filing. Finally, the Commission voted to adopt the procedural schedule as agreed to by Western Wireless and the RTCs.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, and 47 U.S.C. section 252. The Commission may rely upon any or all of these or other laws of this state in making its determination.

At its regularly scheduled meeting of February 17, 2004, Commission Staff recommended dismissal since the parties had reached an agreement. The Commission unanimously voted to dismiss and close the docket. It is therefore

ORDERED, that the docket shall be dismissed and closed.

Dated at Pierre, South Dakota, this 25th day of February, 2004.

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>Alaine Kolbe</u>
Date:	<u>2/26/04</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner