

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

IN THE MATTER OF THE PETITION OF) BLACK HILLS FIBERCOM, L.L.C. FOR A) DECLARATORY RULING REGARDING ARSD) 20:10:32:11 AND ALTERNATIVE PETITION) FOR APPROVAL OF AN AMENDMENT TO) BLACK HILLS FIBERCOM, L.L.C.'S LOCAL) CALLING AREA PURSUANT TO ARSD) 20:10:32:11)	ORDER CANCELLING HEARING TC02-084
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On July 1, 2002, the Public Utilities Commission (Commission) received from Black Hills FiberCom, L.L.C. (FiberCom) a Petition for a Declaratory Ruling Regarding Application of ARSD 20:10:32:11 (Petition) and Alternative Petition for Approval of an Amendment to Black Hills FiberCom L.L.C.'s Local Calling Exchange Area Pursuant to ARSD 20:10:32:11 (Alternative Petition). In its Petition, FiberCom requests that the Commission find that FiberCom does not need to obtain Commission approval prior to FiberCom charging its customers for utilizing non-network ISP services through Rapid City telephone numbers attached to PRIs purchased from Qwest. If the Commission determines that FiberCom must obtain approval, then FiberCom requests in its Alternative Petition that the Commission approve the proposed amendment to FiberCom's local calling plan.

On July 3, 2002, the Commission electronically transmitted notice of the filing and the intervention deadline of July 11, 2002, to interested individuals and entities. On July 11, 2002, the Commission received a Petition to Intervene from the South Dakota Telecommunications Association (SDTA). At its July 23, 2002, meeting, the Commission granted intervention to SDTA.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-76, 49-31-77, 49-31-81, and 49-31-85, and ARSD 20:10:01:34 and 20:10:32:11.

By order dated January 13, 2003, a hearing was scheduled for January 24, 2003, beginning at 9:00 A.M., in the Governor's Inn Meeting Room, 700 West Sioux, Pierre, South Dakota. On January 17, 2003, the Commission received a letter from FiberCom requesting that its Petition be withdrawn. It is therefore

ORDERED, that the hearing scheduled for January 24, 2003, is cancelled.

Dated at Pierre, South Dakota, this 22nd day of January, 2003.

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>Helaine Kolbo</i></u>
Date: <u>1/22/03</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