

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

IN THE MATTER OF THE PETITION OF)	ORDER PERMITTING
BLACK HILLS FIBERCOM, L.L.C. FOR A)	WITHDRAWAL OF FILING
DECLARATORY RULING REGARDING ARSD)	AND CLOSING DOCKET
20:10:32:11 AND ALTERNATIVE PETITION)	
FOR APPROVAL OF AN AMENDMENT TO)	TC02-084
BLACK HILLS FIBERCOM, L.L.C.'S LOCAL)	
CALLING AREA PURSUANT TO ARSD)	
20:10:32:11)	

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.

On January 17, 2003, the Commission received a letter from FiberCom requesting that its Petition be withdrawn.

At its regularly scheduled March 18, 2003, meeting, the Commission considered this matter. 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. The Commission found that FiberCom's request to withdraw its filing is reasonable and closed the docket. It is therefore

ORDERED, that FiberCom shall be permitted to withdraw its filing, and it is further

ORDERED, that this docket is closed.

Dated at Pierre, South Dakota, this 25th day of March, 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: Melaine Kolbo

Date: 3/26/03

(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