

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

<b>IN THE MATTER OF THE ESTABLISHMENT )</b>	<b>ORDER GRANTING</b>
<b>OF SWITCHED ACCESS RATES FOR FORT )</b>	<b>MOTION TO DISMISS</b>
<b>RANDALL TELEPHONE COMPANY AND MT. )</b>	
<b>RUSHMORE TELEPHONE COMPANY )</b>	<b>TC02-086</b>

On July 1, 2002, Fort Randall Telephone Company and Mt. Rushmore Telephone Company (Fort Randall/Mt. Rushmore) filed for approval by the Public Utilities Commission (Commission) their 2001 Intrastate Switched Access Cost Study.

On July 3, 2002, the Commission electronically transmitted notice of the filing and the intervention deadline of July 19, 2002, to interested individuals and entities. On July 15, 2002, the Commission received a Petition to Intervene from S&S Communications (S&S). At a regularly scheduled meeting of July 23, 2002, the Commission granted intervention to S&S.

On August 28, 2003, the Commission received a Motion to Dismiss from Fort Randall/Mt. Rushmore. On September 4, 2003, the Commission received Intervenor's Brief in Resistance to Motion to Dismiss. On September 12, 2003, the Commission received a Reply to Intervenor's Brief in Resistance to Motion to Dismiss.

The Commission has jurisdiction over this matter pursuant to SDCL 1-26-17.1, 49-1A-9, 49-31-12.6, 49-31-18, 49-31-19 and ARSD 20:10:01:15.02, 20:10:01:15.05, 20:10:27:07 and 20:10:27:08.

On September 16, 2003, at its regularly scheduled meeting, the Commission considered this matter. Counsel for S&S appeared by teleconference and requested that S&S be permitted to offer the arguments and submittals offered in response to the motions to dismiss in the other pending switched access cost dockets in which S&S was a party intervenor, and the Commission agreed that such a procedure was appropriate since the issues in all of the dockets are identical. The Commission voted to grant the Motion to Dismiss. Finding and concluding that the issues, facts and the law in this docket are identical to those contained in Docket TC02-052 and the other switched access cost proceedings in which S&S was a party intervenor, the Commission bases its decision herein on the findings and conclusions contained in the Order Granting Motion to Dismiss in Docket TC02-052 and the other switched access cost dockets in which S&S was a party intervenor and incorporates such findings and conclusions by reference. It is therefore

ORDERED, that Fort Randall/Mt. Rushmore's Motion to Dismiss is granted.

Dated at Pierre, South Dakota, this 23<sup>rd</sup> day of September, 2003.

<b>CERTIFICATE OF SERVICE</b>
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>Melaine Kolbo</u>
Date: <u>9/25/03</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr  
ROBERT K. SAHR, Chairman

Gary Hanson  
GARY HANSON, Commissioner