

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

IN THE MATTER OF THE PETITION FOR)	ORDER GRANTING
ARBITRATION ON BEHALF OF WWC)	INTERVENTION; ORDER
LICENSE L.L.C. WITH CERTAIN)	ASSESSING FILING FEE;
INDEPENDENT LOCAL EXCHANGE)	ORDER ADOPTING
COMPANIES)	STIPULATED PROCEDURAL
)	SCHEDULE; AND ORDER
)	FOR AND NOTICE OF
)	HEARING
)	TC02-176

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 Stipulated Procedural Schedule is hereby incorporated by reference.

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.

A hearing will be held on the application beginning at 9:00 a.m. on March 5, 2003, and continuing through March 7, 2003, in the Kneip Room of the Governor's Inn, 700 W. Sioux Ave, Pierre, SD, 57501. The purpose of the hearing will be to resolve the unresolved issues as listed in Western Wireless' Petition and the RTC's Response. The issues are hereby incorporated by reference.

The hearing is an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to attend and represent themselves or be represented by an attorney. However, such rights and other due process rights will be forfeited if not exercised at the hearing. If a party or its representative fails to appear at the time and place set for the hearing, the Final Decision will be based solely on testimony and evidence, if any, presented during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20.

The Commission, after examining the evidence and hearing testimony presented by the parties and the public, will make Findings of Fact, Conclusions of Law, and a Final Decision. As a result of the hearing, the Commission will resolve each issue listed in Western Wireless' Petition and the RTC's Response. The Final Decision made by the Commission may be appealed by any party as provided by law. It is therefore

ORDERED, that PrairieWave's Petition to Intervene is granted subject to the limitations as set forth above; and it is further

ORDERED, that each of the parties shall deposit an initial assessment of \$250.00 in the telecommunications investigation fund and shall deposit any additional amounts as requested by the Executive Director up to the statutory limit of \$75,000.00; and it is further

ORDERED, that the parties shall comply with the Stipulated Procedural Schedule which is incorporated by reference, with the hearing to be held beginning at 9:00 a.m. on March 5, 2003, and continuing through March 7, 2003, in the Kneip Room of the Governor's Inn, 700 W. Sioux Ave, Pierre, SD 57501.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 3rd 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>Helaine Kolbo</u>
Date:	<u>1/6/03</u>
(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

