

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

IN THE MATTER OF THE FILING BY RCC)	<u>SECOND</u> AMENDED ORDER
MINNESOTA, INC. AND WIRELESS ALLIANCE,)	FOR AND NOTICE OF
L.L.C. D/B/A UNICEL FOR DESIGNATION AS)	PROCEDURAL SCHEDULE
AN ELIGIBLE TELECOMMUNICATIONS)	AND HEARING
CARRIER)	TC03-193

On November 18, 2003, the Public Utilities Commission (Commission) received a petition (Petition) from RCC Minnesota, Inc. and Wireless Alliance, L.L.C. d/b/a Unicel (RCC) requesting designation as an eligible telecommunications carrier (ETC) for service areas in northeastern and southeastern South Dakota. The service areas proposed by RCC for designation encompass all or portions of ten non-rural Qwest wire centers, as set forth on Exhibit B to the Petition, and all or portions of certain rural telephone companies' study areas, as set forth on Exhibits C and D to the Petition. On November 20, 2003, the Commission electronically transmitted notice of the filing and the intervention deadline of December 5, 2003, to interested individuals and entities. On December 16, 2003, the Commission granted intervention to James Valley Cooperative Telephone Company, Union Telephone Company, Stockholm-Strandburg Telephone Company, Venture Communications Cooperative, Interstate Telecommunications Cooperative, Inc., Sioux Valley Telephone Company, PrairieWave Community Telephone, Inc., South Dakota Telecommunications Association, Roberts County Telephone Cooperative Association, RC Communications, Inc., and Alliance Communications Cooperative, Inc.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-31, including 1-26-18, 1-26-19, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, 49-31-78, 49-31-81; ARSD 20:10:32:42 through 20:10:32:46, inclusive; and 47 U.S.C. § 214(e)(1) through (5).

The issue at the hearing will be whether RCC should be designated as an eligible telecommunications carrier in the service areas consisting of the whole and partial non-rural and rural wire centers set forth on Exhibits B, C and D to the Petition.

The procedural schedule regarding the pre-filing of testimony is as follows (all dates 2004):

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| May 10 | RCC files and serves direct testimony and exhibits |
| June 10 | Intervenors and staff file and serve reply testimony and exhibits |
| June 29 | RCC files and serves rebuttal testimony and exhibits |
| July 12 | Intervenors and staff file and serve surrebuttal testimony and exhibits |

Requests for discovery and responses thereto shall be filed and served on or before the following dates in 2004:

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|----------|--|
| April 22 | General interrogatories, document requests and other general discovery requests by all parties |
| May 6 | Responses to general discovery requests by all parties |
| May 17 | Supplemental discovery requests by intervenors and staff following RCC's pre-filed testimony |
| June 4 | RCC's responses to supplemental discovery requests |

June 18 Supplemental discovery requests by RCC following intervenors' and staff's pre-filed testimony

July 1 Intervenors' and staff's responses to RCC supplemental discovery requests

A hearing will be held beginning at ~~9:30 A.M.~~ 1:30 P.M. on ~~October 14~~ October 13, 2004, and continuing at 8:30 A.M. on October 14 and October 15, 2004, in Room 412, State Capitol Building, Pierre, South Dakota.

The hearing will be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These 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 may be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision. As a result of the hearing, the Commission may either grant or deny the request of RCC to be designated as an eligible telecommunications carrier, in whole or in part, as to the service areas or portions thereof proposed by RCC in the Petition. The Commission's Final Decision may be appealed to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that the parties shall comply with the procedural schedule and discovery schedule set forth above; and it is

FURTHER ORDERED, that a hearing shall be held at the time and place specified above on the issue of whether RCC should be designated as an eligible telecommunications carrier in the service areas proposed for designation in the Petition

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 13th day of September, 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>Helaine Kolbo</u>
Date:	<u>9/13/04</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman *RS*

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner