

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

IN THE MATTER OF THE PETITION OF SIOUX)	ORDER GRANTING INTERIM
VALLEY TELEPHONE COMPANY FOR)	SUSPENSION PENDING
SUSPENSION OR MODIFICATION OF 47)	FINAL DECISION AND
U.S.C. § 251(B)(2) OF THE COMMUNICATIONS)	ORDER GRANTING
ACT OF 1934 AS AMENDED)	INTERVENTION
)	TC04-044

On March 9, 2004, Sioux Valley Telephone Company (Sioux Valley) filed a petition seeking suspension or modification of its requirement to implement local number portability (LNP) pursuant to Section 251(b)(2) of the Telecommunications Act of 1996. According to Sioux Valley, it has received requests to deploy LNP from Cellco Partnership d/b/a Verizon Wireless, Midwest Wireless Holdings L.L.C. d/b/a Midwest Wireless and Western Wireless Corporation d/b/a CellularOne. Sioux Valley states that it is a small telephone company that serves less than two percent of the nation's subscriber lines installed in the aggregate nationwide, therefore under Section 251(f)(2) Sioux Valley may petition the Commission for suspension or modification of its obligation to implement LNP within six months of a request to deploy LNP. Sioux Valley "requests the Commission to (1) issue an interim order that suspends any obligation that may exist for Sioux Valley to provide LNP until six months after entry of a final order herein; (2) issue a final order that grants a permanent suspension for Sioux Valley's obligation to implement LNP until conditions are met as described herein; and (3) grant Sioux Valley such other and further relief that may be proper."

On March 11, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of March 26, 2004, to interested individuals and entities. Midcontinent Communications (Midcontinent) filed to intervene on March 17, 2004, WWC License LLC d/b/a CellularOne (Western Wireless) filed to intervene on March 19, 2004, and the South Dakota Telecommunications Association (SDTA) filed to intervene on March 26, 2004.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31 and ARSD 20:10:01:15.05.

At a regularly scheduled meeting of April 6, 2004, the Commission heard arguments from Sioux Valley, Midcontinent, Western Wireless and SDTA regarding Sioux Valley's request for an order granting interim suspension. Pursuant to 47 U.S.C. Section 251(f)(2) of the Telecommunications Act of 1996 and SDCL 49-31-80, the Commission voted to grant the request for an interim suspension order pending final decision. Sioux Valley opposed the intervention of Midcontinent. Following argument by the parties, the Commission found that the Petitions to Intervene were timely filed and demonstrated good cause to grant intervention. It is therefore

ORDERED, that the request for an interim suspension order pending final decision is hereby granted; and it is further

ORDERED, that the Petitions to Intervene of Midcontinent, Western Wireless and SDTA are hereby granted.

Dated at Pierre, South Dakota, this 19th day of April, 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: *Dalaine Kalbo*

Date: *4/20/04*

(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