

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

<b>IN THE MATTER OF THE PETITION OF RC ) COMMUNICATIONS, INC. AND ROBERTS ) COUNTY TELEPHONE COOPERATIVE ) ASSOCIATION FOR SUSPENSION OR ) MODIFICATION OF 47 U.S.C. § 251(B)(2) OF ) THE COMMUNICATIONS ACT OF 1934 AS ) AMENDED )</b>	)	<b>ORDER GRANTING INTERIM SUSPENSION PENDING FINAL DECISION AND ORDER GRANTING INTERVENTION  TC04-056</b>
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On March 15, 2004, RC Communications, Inc. and Roberts County Telephone Cooperative Association (Petitioner) 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 Petitioner, it has received requests to deploy LNP from Cellco Partnership d/b/a Verizon Wireless and Western Wireless Corporation d/b/a CellularOne. Petitioner 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) Petitioner may petition the Commission for suspension or modification of its obligation to implement LNP within six months of a request to deploy LNP. Petitioner "requests the Commission to (1) issue an interim order that suspends any obligation that may exist for Petitioner to provide LNP until six months after entry of a final order herein; (2) issue a final order that grants a permanent suspension for Petitioner's obligation to implement LNP until conditions are met as described herein; and (3) grant Petitioner such other and further relief that may be proper."

On March 18, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of April 2, 2004, to interested individuals and entities. Midcontinent Communications (Midcontinent) filed to intervene on March 24, 2004, WWC License LLC d/b/a CellularOne (Western Wireless) filed to intervene on March 30, 2004, and the South Dakota Telecommunications Association (SDTA) filed to intervene on March 31, 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 Petitioner, Midcontinent, Western Wireless and SDTA regarding Petitioner'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. Petitioner 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 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 19<sup>th</sup> 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: *Delaine Kalbs*

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