

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

<b>IN THE MATTER OF THE PETITION OF JAMES )</b>	<b>ORDER GRANTING INTERIM</b>
<b>VALLEY COOPERATIVE TELEPHONE )</b>	<b>SUSPENSION PENDING</b>
<b>COMPANY FOR SUSPENSION OR )</b>	<b>FINAL DECISION AND</b>
<b>MODIFICATION OF 47 U.S.C. § 251(B)(2) OF )</b>	<b>ORDER GRANTING</b>
<b>THE COMMUNICATIONS ACT OF 1934 AS )</b>	<b>INTERVENTION</b>
<b>AMENDED )</b>	<b>TC04-077</b>

On April 14, 2004, James Valley Cooperative Telephone Company (James 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 James Valley, it has received requests to deploy LNP from Verizon Wireless, Western Wireless and RCC Wireless. James 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) James Valley may petition the Commission for suspension or modification of its obligation to implement LNP within six months of a request to deploy LNP. James Valley "requests the Commission to (1) issue an interim order that suspends any obligation that may exist for James 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 James Valley's obligation to implement LNP until conditions are met as described herein; and (3) grant James Valley such other and further relief that may be proper."

On April 15, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of April 30, 2004, to interested individuals and entities. WWC License LLC d/b/a CellularOne (Western Wireless) filed to intervene on April 27, 2004, and the South Dakota Telecommunications Association (SDTA) filed to intervene on April 28, 2004. Midcontinent Communications (Midcontinent) filed a petition for late filed intervention on May 6, 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 May 11, 2004, and 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. The Commission found that the Petitions to Intervene of Western Wireless and SDTA were timely filed and demonstrated good cause to grant intervention, and that the late filed intervention of Midcontinent 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 Western Wireless, SDTA and Midcontinent are hereby granted.

Dated at Pierre, South Dakota, this 13th day of May, 2004.

<p style="text-align: center;"><b>CERTIFICATE OF SERVICE</b></p> <p>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.</p> <p>By: _____</p> <p>Date: _____</p> <p style="text-align: center;">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

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ROBERT K. SAHR, Chairman

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GARY HANSON, Commissioner

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JAMES A. BURG, Commissioner