

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

IN THE MATTER OF THE REQUEST FOR A)	ORDER DISMISSING
CONFIDENTIALITY DETERMINATION IN)	STAFF'S REQUEST FOR A
ACCORDANCE WITH ARSD 20:10:01:42)	CONFIDENTIALITY
)	DETERMINATION AND
)	CLOSING DOCKET
)	TC04-034

On February 18, 2004, the Commission received a request from staff for a confidentiality determination in accordance with ARSD 20:10:01:42. According to the request, staff is attempting to make claims on the bond proceeds of S&S Communications (S&S). In order to make these claims, staff must provide information to the bonding companies which has been filed as confidential. S&S refuses to permit the release of information filed as confidential to any bonding company that does not sign a confidentiality agreement. The companies have provided staff with Indemnity Agreements signed by S&S which they claim gives them a right to see the information. Neither company has signed the confidentiality agreement. Staff has requested that the Commission make a determination that the information should not be treated as confidential on the basis that the information was not filed in compliance with the provisions of ARSD 20:10:01:41, S&S cannot meet the burden established in ARSD 20:10:01:43 and that the Indemnity Agreements that S&S signed with the bonding companies constitute a waiver of confidentiality as to those companies.

The Commission has jurisdiction over this matter pursuant to ARSD 20:10:01:42.

At a regularly scheduled November 30, 2004, meeting, the Commission considered this matter. The Commission voted unanimously to dismiss staff's request for a confidentiality determination and to close the docket. It is therefore

ORDERED, that staff's request for a confidentiality determination is dismissed and the docket shall be closed.

Dated at Pierre, South Dakota, this 10th day of December, 2004.

<p>CERTIFICATE OF SERVICE</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 align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

ROBERT K. SAHR, Chairman

GARY HANSON, Commissioner

JAMES A. BURG, Commissioner