

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

IN THE MATTER OF THE PROCEEDS FROM)	ORDER REGARDING
BONDS AND OTHER SECURITY FOR THE)	NOTICE TO POTENTIAL
BENEFIT OF CUSTOMERS OF S&S)	CLAIMANTS
COMMUNICATIONS)	TC05-047

On March 2, 2005, the Public Utilities Commission (Commission) received a Petition from Commission Staff to open a docket for the administration and distribution of proceeds from bonds and other security (Proceeds) received by the Commission for the benefit of customers of S&S Communications (S&S). On or about June 3, 2003, S&S ceased providing wireline telecommunications service for which several hundred South Dakota customers had prepaid. On August 28, 2003, the Commission issued its final decision in Docket TC02-166 revoking S&S's certificate of authority.

In the Petition, Staff requests that the Commission issue one or more preliminary orders to establish and administer the claims procedure relative to the Proceeds. Specifically, Staff requests that the Commission issue preliminary orders to:

- a. Establish a procedure for providing notice to claimants and potential claimants of the opening of this docket and their rights and responsibilities in regard to filing claims against Proceeds.
- b. Establish a cut-off date by which all potential claimants to the Proceeds shall have filed their claims or be foreclosed from so filing.
- c. Determine that formal docketed complaints filed with the Commission by customers against S&S also constitute claims against the Proceeds.
- d. Ordering such other preliminary relief that Staff shall request in the proceeding by appropriate motion.

With respect to a final decision and order, Staff requests that the Commission issue a final order on the following issues:

- a. Determining the dollar amount of each claimant's potential entitlement to Proceeds and the fractional share of Proceeds to which each claimant is entitled.
- b. Applying the claimants' fractional shares to the amount of Proceeds then in the custody of the Commission.
- c. Providing that any Proceeds received by a claimant shall constitute a satisfaction, to the extent of such amount, of any damages order or judgment issued by the Commission or a Court against S&S arising out of the subject matter for which the Proceeds were received.
- d. Authorizing and directing the Executive Director to take necessary action to distribute Proceeds then in the custody of the Commission.
- e. Directing Staff to file motions to authorize additional distribution of Proceeds as they are received.

Finally Staff requests that the Commission order such other and further relief as the Commission deems just and proper.

At its March 8, 2005 meeting, the Commission considered the following issues: 1) whether to establish a procedure for providing notice to all potential claimants who have not yet filed of their rights and responsibilities in regard to filing claims against the Proceeds; 2) whether to establish a cut-off date by which all potential claimants to the Proceeds shall have filed their claims or be foreclosed from so filing; 3) whether to determine that formal docketed complaints filed with the Commission by customers against S&S also constitute claims against the Proceeds; and 4) whether to order any other preliminary relief at this time. The Commission has jurisdiction over this matter pursuant to SDCL chapters 49-13 and 49-31, specifically 49-13-1, 49-13-1.1, 49-13-3, 49-13-4, 49-13-5, 49-13-13, 49-13-14, 49-31-3, 49-31-7, and 49-31-7.1.

At the meeting the Commission voted to: 1) provide notice to all potential claimants by instructing Staff to mail a notice of this proceeding and the opportunity to file a claim to all of the estimated 633 S&S customers in South Dakota, and all other potential South Dakota claimants who can be located who had prepaid for services that S&S had not yet provided under prepaid service contracts; 2) establish a cut-off date of 45 days after the mailing of the notice by which all potential claimants to the Proceeds must file their claims or be foreclosed from filing a claim; and 3) find that the formal docketed complaints filed with the Commission by customers against S&S also constitute claims against the Proceeds. The Commission further directed Staff to follow-up on all notices that were unable to be delivered and to issue press releases regarding this docket. It is therefore

ORDERED, that Commission Staff shall provide notice to all potential claimants by mailing a notice of this proceeding and the opportunity to file a claim to all of the estimated 633 S&S customers in South Dakota, and all other potential South Dakota claimants who can be located who had prepaid for services that S&S had not yet provided under prepaid service contracts. Staff shall also follow-up on all notices that were unable to be delivered and to issue press releases regarding this docket; and it is

FURTHER ORDERED, that the Commission establishes a cut-off date of 45 days after the mailing of the notice by which all potential claimants to the Proceeds must file their claims or be foreclosed from filing a claim; and it is

FURTHER ORDERED, that the formal docketed complaints filed with the Commission by customers against S&S also constitute claims against the Proceeds.

Dated at Pierre, South Dakota, this 17th day of March, 2005.

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>Delaine Kallo</u>
Date:	<u>3/18/05</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Robert K. Sahr
ROBERT K. SAHR, Commissioner

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner
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