

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

<b>IN THE MATTER OF THE JOINT PETITION</b>	)	<b>ORDER GRANTING MOTION</b>
<b>FOR EXTENSION OF SUSPENSION DATE AND</b>	)	<b>TO LIMIT THE SCOPE OF</b>
<b>THE DATE TO FILE FURTHER SUSPENSION</b>	)	<b>ISSUES</b>
<b>REQUEST</b>	)	<b>TC05-137</b>

On August 4, 2005, the Public Utilities Commission (Commission) received a Joint Petition for Extension of Suspension Date and the Date to File Further Suspension Request from Kennebec Telephone Company, Santel Communications Cooperative, Sioux Valley Telephone Company, Golden West Telecommunications Cooperative, Inc. (and Vivian Telephone Company and Kadoka Telephone Company), Armour Independent Telephone Company (and Bridgewater-Canistota Independent Telephone Company and Union Telephone Company), Swiftel Communications, Beresford Municipal Telephone Company, McCook Cooperative Telephone Company, Valley Telecommunications Cooperative Association, Inc., Faith Municipal Telephone Company, Midstate Communications, Inc., Western Telephone Company, Interstate Telecommunications Cooperative, Inc., Alliance Communications Cooperative, Inc. and Splitrock Properties, Inc., Roberts County Telephone Cooperative Association and RC Communications, Inc., Venture Communications Cooperative, West River Cooperative Telephone Company, Stockholm-Strandburg Telephone Company, and Tri-County Telcom, Inc., requesting that the Commission extend the suspension of intramodal and intermodal Local Number Portability (LNP) for each Petitioner until six months after the Federal Communications Commission (FCC) completes its final regulatory flexibility analysis and publishes it in accordance with 5 U.S.C. Section 604(b). Petitioners further requested that, should they wish to continue the suspension beyond the six month period, the Commission extend the time for filing such a petition for suspension until three months after the FCC completes its final regulatory flexibility analysis and publishes it in accordance with 5 U.S.C. Section 604(b).

On August 11, 2005, the Commission electronically transmitted notice of the filing and the intervention deadline of August 26, 2005, to interested individuals and entities. On August 15, 2005, the Commission received a Petition for Intervention from South Dakota Telecommunications Association (SDTA). On August 18, 2005, the Commission received a Petition to Intervene from Midcontinent Communications (Midcontinent). On August 25, 2005, the Commission received a Petition to Intervene from WWC License LLC (WWC). At its regularly scheduled meeting of August 31, 2005, the Commission granted intervention to SDTA, Midcontinent and WWC. On October 25, 2005, the Commission received a Motion to Limit the Scope of Issues from Petitioners. On October 28, 2005, the Commission received Western Wireless' Opposition to Motion to Limit the Scope of Issues. On October 31, 2005, the Commission received Midcontinent's Opposition to Petitioners' Motion to Limit Issues. On November 1, 2005, the Commission received a Supplemental Petition of RC Communications.

The Commission has jurisdiction in this matter pursuant to SDCL 49-31-80, Section 251(f)(2) of the Telecommunications Act of 1996, 47 U.S.C. Section 251(f)(2), and ARSD 20:10:32:39.

At its regularly scheduled meeting of November 1, 2005, the Commission considered the Motion to Limit the Scope of Issues. The Commission voted to grant the Motion to Limit the Scope of Issues to the issues raised by the Joint Petition, namely, whether the existing suspension should be extended based upon the pendency of the FCC's proceeding in CC Docket No. 95-116, and if so, what the length of the new suspension period should be. The Commission did not rule on Petitioners' request that it grant an immediate, temporary suspension of LNP requirements because it was not included in the hearing notice. It is therefore

ORDERED, that the Motion to Limit the Scope of Issues is granted as provided above.

Dated at Pierre, South Dakota, this 4<sup>th</sup> day of November, 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: *Reidino Kalbo*

Date: *11/4/05*

(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 *dk*