

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

**IN THE MATTER OF THE REQUEST FOR A) ORDER GRANTING MOTION
CONFIDENTIALITY DETERMINATION IN) FOR ORDER PERMITTING
ACCORDANCE WITH ARSD 20:10:01:42) RELEASE OF
) INFORMATION FILED AS
) CONFIDENTIAL
)
TC05-017**

On January 18, 2005, the Executive Director of the Commission, Ms. Pamela A. Bonrud was served a federal subpoena on her person by counsel for the Local Exchange Carriers Association, Inc. (LECA). The subpoena was served in regards to the matter pending in the United States District Court, the District of South Dakota, S&S Communications v. LECA, Case Number 02-1028. The subpoena commands the Commission "to produce and permit inspection and copying of. . . (1) [a]ll documents submitted to the South Dakota Public Utilities Commission by or on behalf of S&S Communications (SDPUC), (2) unredacted versions of all orders issued by the SDPUC relating to S&S Communications, (3) all transcripts of hearings involving S&S Communications." A portion of the subpoenaed documents were originally filed as confidential by S&S and accordingly have been treated and held as confidential by the Commission. Other requested documents were ruled by the Commission to be held confidential at the hearing in Docket TC02-166.

The Commission has jurisdiction over this matter pursuant to ARSD 20:10:01:42 and 20:10:01:43.

At a regularly scheduled February 28, 2005, meeting, the Commission considered this matter. The Commission voted unanimously to grant the Motion for Order Permitting Release of Information Filed as Confidential, subject to it being covered by the confidentiality agreement between S&S and LECA and the letter agreement between the Commission, LECA and S&S. The Commission also voted unanimously that the letter agreement may be executed by any of the Commission attorneys on behalf of the Commission. It is therefore

ORDERED, that the Motion for Order Permitting Release of Information Filed as Confidential is hereby granted, subject to the release of the confidential information being covered by the confidentiality agreement between S&S and LECA filed with the District Court and the letter agreement between the Commission, LECA and S&S; and it is further

ORDERED, that the letter agreement may be executed by any of the Commission attorneys on behalf of the Commission.

Dated at Pierre, South Dakota, this 3rd 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: _____
Date: _____
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

GARY HANSON, Chairman

ROBERT K. SAHR, Commissioner

DUSTIN M. JOHNSON, Commissioner