

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

<b>IN THE MATTER OF THE APPLICATION OF )</b>	<b>ORDER SETTING</b>
<b>MCC TELEPHONY OF THE MIDWEST, INC. )</b>	<b>PROCEDURAL SCHEDULE;</b>
<b>D/B/A MEDIACOM FOR A CERTIFICATE OF )</b>	<b>ORDER FOR AND NOTICE</b>
<b>AUTHORITY TO PROVIDE LOCAL EXCHANGE )</b>	<b>OF HEARING</b>
<b>SERVICES IN THE BROOKINGS EXCHANGE )</b>	<b>TC06-188</b>

On November 6, 2006, the Public Utilities Commission (Commission) received an Application for Certificate of Authority from MCC Telephony of the Midwest, Inc. d/b/a Mediacom (MCC) to provide facilities-based and resold basic local exchange services. The services proposed will include non-switched, switched local services and special access services in the Brookings rural exchange area.

On November 9, 2006, the Commission electronically transmitted notice of the filing and the intervention deadline of November 27, 2006, to interested individuals and entities. Brookings Municipal Utilities d/b/a Swiftel Communications (Swiftel) filed to intervene on November 21, 2006. South Dakota Telecommunications Association (SDTA) filed to intervene on November 22, 2006. Swiftel and SDTA were granted intervention.

The parties have agreed to the following procedural schedule:

<u>Event</u>	<u>Date</u>
Prefiled Direct Testimony and Exhibits	May 24, 2007
Prefiled Response Testimony and Exhibits	June 14, 2007
Designation of Additional Witnesses for Rebuttal	June 21, 2007
Exchange of Additional Exhibits for Use by Rebuttal Witnesses	June 21, 2007
Hearing Date	June 29, 2007
Simultaneous Post Hearing Briefs	July 31, 2007
Simultaneous Reply Briefs	August 14, 2007
Commission Decision	September 14, 2007

A hearing will be held on this matter beginning at 8:30 A.M. on June 29, 2007, in Room 412 of the State Capitol Building, 500 East Capitol, Pierre, South Dakota.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, specifically SDCL 49-31-69 through 49-31-75, inclusive. The Commission may rely upon any or all of these or other laws of this state in making its determination. The issue to be determined by the Commission is whether MCC will be granted authority to provide local exchange services in certain rural areas served by Swiftel.

The hearing will be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All persons testifying will be subject to cross-examination by the parties. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights may be forfeited if not exercised at the hearing. If a party or its representative fails to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission will determine whether to grant MCC authority to provide local exchange services in certain rural areas served by Swiftel. The Commission's Final Decision may be appealed by the parties as provided by law.

It is therefore

ORDERED, that the parties shall follow the procedural schedule as set forth above; and it is

FURTHER ORDERED, that a hearing shall be held at the time and place specified above on the issue set forth above.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 30<sup>th</sup> day of March, 2007.

<b>CERTIFICATE OF SERVICE</b>
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, electronically.
By: <u>Melaine Kolbe</u>
Date: <u>3/30/07</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson  
DUSTIN M. JOHNSON, Chairman

Gary Hanson  
GARY HANSON, Commissioner

Steve Kolbeck  
STEVE KOLBECK, Commissioner