

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

**IN THE MATTER OF THE PETITION OF CELLCO
PARTNERSHIPS AND ITS SUBSIDIARIES AND
AFFILIATES TO AMEND AND CONSOLIDATE
ELIGIBLE TELECOMMUNICATIONS CARRIER
DESIGNATIONS IN THE STATE OF SOUTH
DAKOTA AND TO PARTIALLY RELINQUISH
ETC DESIGNATIONS**

**THIRD AMENDED
ORDER FOR AND NOTICE
OF HEARING**

TC10-090

On September 3, 2010, the Public Utilities Commission (Commission) received a petition from Cellco Partnership d/b/a Verizon Wireless, and its subsidiaries and affiliates offering commercial mobile radio services in South Dakota (Verizon Wireless), to amend and consolidate the eligible telecommunications carrier (ETC) designations currently held separately in the name of WWC License, LLC (WWC) and RCC Minnesota, Inc. (RCC) in the state of South Dakota to reflect Cellco Partnership and its affiliated legal entities as the designated entity. Verizon Wireless requests that amendment and consolidation of the ETC designations be deemed effective immediately. Verizon Wireless further requests that the partial relinquishment of WWC's ETC status in the Golden West Telecommunications Cooperative, Inc. (Golden West) Study Area Code 391659 be deemed effective immediately. On September 9, 2010, the Commission electronically transmitted notice of the filing to interested individuals and entities. The notice stated that any person wishing to intervene had until September 24, 2010, to do so. On September 24, 2010, the Commission received a Petition to Intervene from South Dakota Telecommunications Association (SDTA) and Golden West Telecommunications Cooperative, Inc. (Golden West). On October 12, 2010, the Commission granted intervention to SDTA and Golden West. On October 14, 2010, James Valley Wireless filed a Petition to Intervene. On October 26, 2010, the Commission granted intervention to James Valley Wireless. On November 5, 2010, Verizon Wireless filed a Motion Requesting Confidentiality Agreement. The motion was granted and a protective order was issued by the Commission. On November 12, 2010, Verizon Wireless filed a Motion for Commission Approval of Partial Relinquishment of ETC Designation. On November 16, 2010, the Commission approved the request for partial relinquishment of WWC's ETC designation. On April 12, 2011, Verizon Wireless filed a Motion to Strike Testimony of Witness Peter Bluhm. On April 25, 2011, Verizon Wireless filed Motions to Compel Discovery Responses from Golden West, James Valley, and SDTA. On April 28, 2011, Verizon Wireless filed Supplements to Motions to Compel Discovery Responses from Golden West and SDTA. On May 17, 2011, the Commission denied the Motion to Strike and granted, in part, the Motions to Compel.

On May 4, 2011, the Commission issued an Order Canceling the hearing previously scheduled for May 11 and 12, 2011. Since that time the parties agreed to a later hearing date.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31 specifically 49-31-78, ARSD 20:10:32:48 through 20:10:32:51, 47 U.S.C. § 214(e), and 47 C.F.R §§ 54.1 through 54.207.

PLEASE TAKE NOTICE that a hearing shall be held commencing at 9:00 a.m., with marking of exhibits to begin at 8:00 a.m., on Wednesday, July 27, 2011, and continuing at 9:00 a.m. on Thursday, July 28, 2011, in Room 413, Capitol Building, 500 East Capital Ave., Fourth Floor, Pierre, South Dakota. The hearing is open to the public. All persons testifying shall be subject to cross-examination.

The issue at the hearing is whether the Commission shall grant Cellco Partnership d/b/a Verizon Wireless', and its subsidiaries and affiliates offering commercial mobile radio services in South Dakota (Verizon Wireless), request to amend and consolidate the ETC designations currently held separately in the name of WWC and RCC in the state of South Dakota to reflect Cellco Partnership and its affiliated legal entities as the designated entity.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail 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 this hearing, the Commission shall determine whether it shall grant Cellco Partnership d/b/a Verizon Wireless', and its subsidiaries and affiliates offering commercial mobile radio services in South Dakota (Verizon Wireless), request to amend and consolidate the ETC designations currently held separately in the name of WWC and RCC in the state of South Dakota to reflect Cellco Partnership and its affiliated legal entities as the designated entity. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law.

It is therefore

ORDERED, that the hearing shall commence at 9:00 a.m., with marking of exhibits to begin at 8:00 a.m., on Wednesday, July 27, 2011, and continuing at 9:00 a.m. on Thursday, July 28, 2011, in Room 413, Capitol Building, 500 East Capital Ave., Fourth Floor, Pierre, South Dakota.

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 23rd day of May, 2011.

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, electronically.
By: <u><i>Jennifer Lydahl</i></u>
Date: <u>5-23-11</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Steve Kolbeck
STEVE KOLBECK, Chairman

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NESLSON, Commissioner