

THE PUBLIC UTILITIES COMMISSION

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OF THE STATE OF SOUTH DAKOTA

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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE ANALYSIS
INTO QWEST CORPORATION'S COMPLIANCE
WITH SECTION 271(c) OF THE
TELECOMMUNICATIONS ACT OF 1996

TC01-0165

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Transcript of Proceedings

September 5, 2002

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BEFORE THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION,
JIM BURG, CHAIRMAN
PAM NELSON, VICE CHAIRMAN
ROBERT SAHR, COMMISSIONER

ORIGINAL

COMMISSION STAFF

- Rolayne Ailts Wiest, General Counsel
- John Smith
- Karen Cremer, Staff Counsel
- Kelly Frazier
- Harlan Best
- Greg Rislov
- Keith Senger
- Heather Forney
- Dave Jacobson
- Michele Farris
- Terri Iverson
- Debra Elofson
- Mary Giddings
- Martin Bettmann

Reported By Cheri McComsey Wittler, RPR

PRECISION REPORTING

L I M I T E D

APPEARANCES BY TELEPHONE

- Linn Evans, Black Hills Power & Light
- Kyle White, Black Hills Power & Light
- Jeff Davis, MidAmerican Energy Company
- Mary Lohnes, Midcontinent Communications
- Tom Simmons, Midcontinent Communications
- Ron Sprangler, Otter Tail Power Co.
- Jeff Carmen, Qwest Corporation
- Larry Toll, Qwest Corporation
- Mary Hobson, Qwest Corporation
- John Burke, Barker, Wilson, Reynolds & Burke
- Rick Hilderbrand, Kadoka Telephone Company
- Darrell Gomarko, TELECOM Consulting
- Allen Nelson, Bangs, McCullen, Butler, Foye & Simmons
- Paul Roberts, Clay-Union Electric Corporation

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TRANSCRIPT OF PROCEEDINGS, held in the
 above-entitled matter, at the South Dakota State
 Capitol, Room 412, 500 East Capitol Avenue, Pierre,
 South Dakota, on the 5th day of September 2002,
 commencing at 3:45 o'clock p.m.

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1 CHAIRMAN BURG: TC01-165, In The
2 Matter of the Analysis Into Qwest Corporation's
3 Compliance with 271(c) of the Telecommunications
4 Act of 1996. The question being today shall the
5 Commission find Qwest in compliance with certain
6 checklist items.

7 I'm going to ask if Staff has any
8 recommendation on this. We were waiting for the
9 review of the SGAT for before Staff -- do you have
10 any recommendations?

11 MS. CREMER: No. And I didn't bring
12 my file up either or my files.

13 CHAIRMAN BURG: Go for it.

14 MS. CREMER: Yeah. I didn't bring
15 my whole office up here.

16 CHAIRMAN BURG: Does Qwest have any
17 comment?

18 MS. SEVOLD: No comment.

19 CHAIRMAN BURG: Anybody else have
20 anything to add? If not, I do have a Motion then.

21 I move that the Commission make the following
22 decisions regarding checklist items 3, 7, 8, 9, 10,
23 and 12. Subject to its findings regarding the
24 applicable OSS Test results, the Commission finds
25 that Qwest is in substantial compliance with

1 checklist items 7,8,9,10, and 12.

2 In order for the Commission to find that Qwest
3 is in substantial compliance with checklist item 3
4 Qwest shall delete the language regarding the
5 potential waiver by this Commission of the
6 45-day rule. In addition, Qwest shall incorporate
7 the negotiated language from Utah regarding
8 revisions to Section 10.8.2.27 and Exhibit D to the
9 SGAT, which addresses a CLEC's access to Qwest's
10 rights-of-way agreements. Qwest shall make a
11 compliance filing with these revisions including a
12 red-line version of the changes.

13 I further move that the Commission make the
14 following decisions regarding checklist -- well, I
15 think we'll stop and act on that particular one.
16 So I'd make that Motion.

17 COMMISSIONER NELSON: Second.

18 COMMISSIONER SAHR: Concur.

19 CHAIRMAN BURG: I further move that
20 the Commission make the following decision
21 regarding checklist items 1, 11, 13, and 14.
22 Subject to its findings regarding the applicable
23 OSS Test results the Commission finds that Qwest is
24 in substantial compliance with checklist items 1,
25 11, 13, and 14.

1 Is there a second?

2 COMMISSIONER NELSON: Second.

3 COMMISSIONER SAHR: Concur.

4 CHAIRMAN BURG: So the Commission
5 has approved the checklist items as mentioned in
6 TC01-165.
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STATE OF SOUTH DAKOTA)

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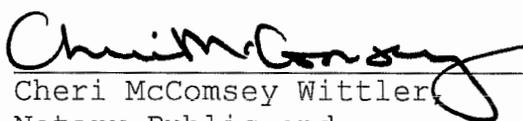
CERTIFICATE

COUNTY OF HUGHES)

I, CHERI MCCOMSEY WITTLER, a Registered Professional Reporter and Notary Public in and for the State of South Dakota:

DO HEREBY CERTIFY that as the duly-appointed shorthand reporter, I took in shorthand the proceedings had in the above-entitled matter on the 5th day of September 2002, and that the attached is a true and correct transcription of the proceedings so taken.

Dated at Pierre, South Dakota this 6th day of September 2002.


Cheri McComsey Wittler
Notary Public and
Registered Professional Reporter