

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE FILING BY RCC  
MINNESOTA, INC. AND WIRELESS ALLIANCE,  
LLC D/B/A UNICEL FOR DESIGNATION AS  
AN ELIGIBLE TELECOMMUNICATIONS  
CARRIER

RECEIVED  
MAR 29 2005  
SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

=====

Transcript of Proceedings  
March 29, 2005

**ORIGINAL**

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BEFORE THE PUBLIC UTILITIES COMMISSION,  
GARY HANSON, CHAIRMAN (by telephone)  
BOB SAHR, VICE CHAIRMAN  
DUSTY JOHNSON, COMMISSIONER

COMMISSION STAFF

Rolayne Ailts Wiest  
John J. Smith  
Karen Cremer  
Sara Greff  
Greg Rislov  
Harlan Best  
Keith Senger  
Dave Jacobson  
Tina Douglas  
Heather Forney  
Pam Bonrud

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MAR 29 2005  
SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

APPEARANCES

Richard Coit  
Talbot Wieczorek, (by telephone)  
David LaFuria, (by telephone)

Reported By Cheri McComsey Wittler, RPR

**PRECISION REPORTING**  
**L I M I T E D**

1 THE PUBLIC UTILITIES COMMISSION  
2 OF THE STATE OF SOUTH DAKOTA  
3 -----  
4 IN THE MATTER OF THE FILING BY RCC  
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6 LLC D/B/A UNICEL FOR DESIGNATION AS  
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18 COMMISSION STAFF  
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31 APPEARANCES  
32  
33 Richard Coit  
34 Talbot Wiczorek, (by telephone)  
35 David LaFuria, (by telephone)  
36  
37 Reported By Cheri McComsey Wittler, RPR  
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1 VICE CHAIRMAN SAHR: TC03-193, in  
2 the matter of the filing by RCC Minnesota, Inc. and  
3 Wireless Alliance, LLC doing business as Unicel for  
4 designation as an eligible telecommunications  
5 carrier.  
6 The question today is shall the Commission  
7 grant the Motion to submit a reply brief.  
8 Mr. Coit, good morning.  
9 MR. COIT: Good morning. Thank you,  
10 Mr. Vice Chairman, Commissioners, staff. Thanks  
11 for the opportunity to provide some comment  
12 regarding this Motion.  
13 We have filed with the Commission, as you  
14 know, a Motion to permit the filing of a  
15 supplemental brief, and the reason for that filing  
16 would be to address the new additional ETC  
17 designation criteria and standards adopted by the  
18 FCC with its recent Report and Order just released  
19 on March 17.  
20 In our brief filed with the Commission we had  
21 referenced the fact that the FCC would be making a  
22 decision to address recommendations made by the  
23 Federal State Joint Board on universal service  
24 pertaining to the ETC designation process. This  
25 action was actually taken by the FCC on

1 APPEARANCES BY TELEPHONE  
2 Jim Wilcox  
3 Pete Beitchon  
4 Bernadeen Brutlag  
5 Brad Tollerson  
6 Talbot Wiczorek  
7 David LaFuria  
8 Rita Mulkern  
9 Al Krugg  
10  
11 -----  
12 TRANSCRIPT OF PROCEEDINGS, held in the  
13 above-entitled matter, at the South Dakota State  
14 Capitol, Room 412, 500 East Capitol Avenue, Pierre,  
15 South Dakota, on the 29th day of March 2005, commencing  
16 at 9 o'clock a.m.  
17  
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19  
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22  
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1 February 25. At that time it adopted a Report and  
2 Order addressing the Joint Board recommendations  
3 and then proceeded to release a written Decision on  
4 the March 17 date.  
5 This Motion is based on that Decision. The  
6 FCC has adopted a number of additional ETC  
7 designation criteria, some of which were  
8 recommended by the Joint Board, some of which were  
9 not. These additional criteria, the FCC has said  
10 that they are mandatory with respect to its process  
11 for designating ETCs, which is the process set  
12 forth in the law where states don't have  
13 jurisdiction, but it also encouraged states to  
14 apply the same criteria which it has done in the  
15 past in establishing past criteria for ETC  
16 designations. So, again, it's encouraging states  
17 to follow the new criteria.  
18 And we are seeking really with this Motion  
19 just the opportunity to present briefing and/or  
20 comment, I guess, concerning the FCC Decision as to  
21 why it's important for this Commission to apply the  
22 new additional ETC criteria in this case and as to  
23 how the application of the new standards or  
24 criteria would actually affect the decision the  
25 Commission should make in this case.

1 As far as the new requirements, just generally  
 2 to summarize those, there are four primary ones  
 3 that I'd like to reference. First, the FCC  
 4 clarified a requirement for the submission of a  
 5 build-out plan by ETC applicants and also  
 6 specifically went on to indicate what should be in  
 7 that plan and also indicated that it should be a  
 8 five-year plan.

9 In addition, the FCC adopted the Joint Board  
 10 recommendation for consideration or I guess the  
 11 ETC's ability -- demonstration of an ability to  
 12 remain functional in emergency situations. That  
 13 was a standard that was in the Joint Board  
 14 recommendations but has now been adopted as an  
 15 actual ETC requirement by the FCC.

16 The other two is there is a -- there was some  
 17 clarification with regard to conducting some sort  
 18 of a cream-skimming analysis. You know, in  
 19 Highland and Virginia Cellular they addressed cream  
 20 skimming and how you might go about a  
 21 cream-skimming analysis. But now I think  
 22 specifically the FCC has said the cream-skimming  
 23 analysis is relevant to the public interest review,  
 24 which is a clarification, I guess.

25 The last one that I'd like to reference is the

1 fact that when we have argued this case we have  
 2 indicated that the Commission should be looking at  
 3 the per line support amounts of the companies, and  
 4 the FCC has now indicated specifically by its Order  
 5 that that is something that should be or may  
 6 properly be considered by State Commissions in  
 7 reviewing ETC designation applications.

8 All we're really asking for at this point is  
 9 the opportunity to submit some written comments as  
 10 to why those standards should be applied by this  
 11 Commission or at least considered by this  
 12 Commission. Staff had made a proposal last week as  
 13 to the filing of some written comments by April 8  
 14 and then I think at least some opportunity to maybe  
 15 present some oral argument, which wouldn't  
 16 absolutely be necessary, but certainly we would  
 17 like the opportunity to file some written comments.  
 18 And the April 8 date is acceptable to us. And I  
 19 would imagine that could be, you know, a  
 20 simultaneous filing date for both parties to submit  
 21 comments.

22 I would, in closing, just like to emphasize  
 23 the importance -- in emphasizing the importance of  
 24 these new standards read a couple of portions of  
 25 the Decision itself. From paragraph 58 of the

1 Report and Order the FCC stated, "We encourage  
 2 State Commissions to require all ETC applicants  
 3 over which they have jurisdiction to meet the same  
 4 conditions and to conduct the same public interest  
 5 analysis outlined in this Report and Order. We  
 6 agree with the Joint Board's recommendation that a  
 7 rigorous ETC designation process ensures that only  
 8 fully-qualified applicants receive designation as  
 9 ETCs and that all ETC designees are prepared to  
 10 serve all customers within the designated service  
 11 area. Additionally, a set of guidelines allows for  
 12 a more predictable application process among the  
 13 states. We believe that these guidelines will  
 14 assist states in determining whether the public  
 15 interest would be served by a carrier's designation  
 16 as an ETC. We also believe that these guidelines  
 17 will improve the long-term sustainability of the  
 18 fund because if the guidelines are followed, only  
 19 fully-qualified carriers that are capable of and  
 20 committed to providing universal service will be  
 21 able to receive support."

22 And finally in paragraph 60 of the Order the  
 23 FCC stated, "We also find that states that exercise  
 24 jurisdiction over ETC proceedings should apply  
 25 these requirements in a manner that will best

1 promote the universal service goals found in  
 2 Section 254(b). While Congress delegated to  
 3 individual states the right to make ETC decisions,  
 4 collectively these decisions have national  
 5 implications that affect the dynamics of  
 6 competition, the national strategies of new  
 7 entrants, and the overall size of the Federal  
 8 Universal Service Fund. In addition these  
 9 guidelines are designed to ensure the designation  
 10 of carriers that are financially viable, likely to  
 11 remain in the market, willing and able to provide  
 12 the supported services throughout the designated  
 13 service area, and able to provide consumers an  
 14 evolving level of universal service. And, finally,  
 15 moreover State Commissions that apply these  
 16 guidelines will facilitate the Commission's review  
 17 of petitions seeking redefinition of incumbent LEC  
 18 service areas filed pursuant to Section 214(e)(5)  
 19 of the Act," which is certainly relevant to the RCC  
 20 case.

21 With that, I would be open for any questions  
 22 that the Commission might have or staff.

23 VICE CHAIRMAN SAHR: Thank you very  
 24 much. And for the people on the phone line, we do  
 25 have a court reporter here in Pierre so just make

1 sure that you identify yourself clearly and speak  
2 so the court reporter can take an accurate record.  
3 Next, Mr. Wieczorek.

4 MR. LAFURIA: I've got both  
5 David LaFuria and Talbot Wieczorek here on behalf  
6 of RCC and Wireless Alliance. I'm David LaFuria,  
7 and I'll take the first crack at this.

8 I think that, first of all, the big news from  
9 the FCC in their Order of March 17 is that there  
10 really is no big news. The fact of the matter is  
11 they have set out some guidelines that they would  
12 like to see states follow, and the big news was  
13 that they did not make these guidelines mandatory  
14 on the states. This is something that the rural  
15 ILEC groups across the country have pushed very  
16 hard for from the FCC, and that did not happen.

17 Once you look at the FCC's Order you'll find,  
18 I believe, that virtually everything that's in that  
19 Order is already under active consideration by this  
20 Commission, and if you dig into any of the FCC  
21 proceedings that have come before that were decided  
22 under pretty much the same material that the FCC  
23 put out in this Order, you'll find that there is a  
24 more substantial record here in the South Dakota  
25 proceeding, including briefing materials, oral

1 arguments at the hearing, evidentiary and  
2 cross-examination of witnesses, and really a full  
3 evidentiary proceeding that the FCC has yet to  
4 conduct with respect to an ETC proceeding.

5 RCC is very happy with the record that we  
6 have. We don't believe that there's any reason to  
7 reopen the record, and we note that the Interveners  
8 haven't requested that. But yet their Petition  
9 seems to be couched in a manner that suggests that  
10 their argument would be there's not enough record  
11 evidence here for you to make this decision and,  
12 therefore, we need to go and have more record  
13 evidence and more hearings and more proceedings.

14 And I want the Commission to understand that  
15 RCC has looked carefully at this FCC Order. We're  
16 very happy with it. We're very happy with the  
17 record that we have in this proceeding. We don't  
18 believe that there's anymore argument that needs to  
19 be had. We think the Commission is fully capable  
20 of reading that FCC Order and deciding whether they  
21 wish to apply it to RCC's case. And overall the  
22 Petition by the Interveners seems to overreach in  
23 several areas in that it's requesting additional  
24 argument in areas that are either already covered  
25 in the record or that weren't materially changed in

1 any way by the FCC.

2 The only matter that I think was addressed by  
3 the FCC that RCC didn't consider in its proceeding  
4 is a five-year build-out plan. RCC put in a  
5 build-out plan that is based on the amount of  
6 funding it contemplates within it's first I think  
7 it was 12 to 18 months, and this Commission can  
8 take a look at the FCC's Order and if you wish to  
9 make a five-year build-out plan a part of the ETC  
10 designation process, you're certainly welcome to do  
11 it.

12 You can do it in a couple of ways. You can do  
13 what the FCC did and say for all existing ETCs you  
14 have until October of 2006 to do one. You can  
15 grant RCC's Petition conditioned upon their  
16 submission of a five-year build-out plan. You can  
17 decide that the FCC's five-year plan doesn't  
18 provide you with the kind of information that is  
19 really going to be useful and may present more  
20 problems than it solves and decide that the current  
21 mechanism that's in place, which is an -- as I  
22 understand it anyway an annual -- a Petitioner or  
23 an ETC designee putting in its plans for the coming  
24 year and then on an annual basis the Commission  
25 reviewing those plans and saying how much funding

1 did you actually get and what did you actually do  
2 with it and what are your plans for the next year  
3 and continuing on an annual basis to look at ETCs  
4 to determine that they are doing what they're  
5 supposed to be doing with the funds.

6 None of that I don't believe requires any  
7 additional argument or comments from the parties.  
8 The FCC's Order really does speak for itself, and  
9 while I think it's unclear in some areas, the areas  
10 where it's unclear are not relevant in the current  
11 proceeding. And I think you've got -- in terms of  
12 cream skimming, you've got more information here --  
13 between the two expert witnesses and the material  
14 that's been put together in the briefing, you've  
15 got more cream-skimming data here than I believe  
16 the FCC has ever considered in one of its  
17 proceedings and more than are in most state  
18 proceedings.

19 And so with that, you know, I would move that  
20 the Commission do an Order and put it out. And,  
21 you know, RCC is happy to respond to comments that  
22 you may wish to hear from Interveners, but we don't  
23 believe comments are necessary.

24 VICE CHAIRMAN SAHR: Thank you very  
25 much.

13

1 Mr. Smith, do you have comments?  
 2 MR. SMITH: I guess I don't have a  
 3 super strong feeling either way, although at least  
 4 with respect to the five-year plan provision, and  
 5 there are a couple of other things in the Decision  
 6 that do take a more black-and-white position  
 7 relative to some of the criteria we've seen in  
 8 previous cases, I guess the question I have is what  
 9 does it hurt to give the parties a chance to take  
 10 this Decision and apply it to the record in this  
 11 case and potentially request some condition  
 12 revisions, which is probably where staff will tend  
 13 to focus.  
 14 Thank you.  
 15 VICE CHAIRMAN SAHR: Thank you. Do  
 16 we have any other comments from anyone on the line  
 17 or here in Pierre?  
 18 MR. WIECZOREK: Mr. Vice Chair, this  
 19 is Talbot Wieczorek. Can I make one comment?  
 20 VICE CHAIRMAN SAHR: Yes, you may.  
 21 MR. WIECZOREK: If it will be the  
 22 Commission's position to allow some additional  
 23 comments, I would -- I think it should be  
 24 restricted in the scope of those comments.  
 25 Now what Mr. Coit has said today is more

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1 restrictive than what they've placed in their  
 2 Motion and requested to put comments on, but we as  
 3 the moving party bear the burden and generally we  
 4 get the last word. If we're going to submit  
 5 comments simultaneously, I think it's only proper  
 6 that we know exactly what the comments are going --  
 7 the issues the comments are going to address, that  
 8 it's not going to be a total rebriefing of the  
 9 entire record.  
 10 VICE CHAIRMAN SAHR: And I was going  
 11 to ask that question, Mr. Wieczorek, is if we do  
 12 look at doing some type of expedited briefing to  
 13 address this new decision that everybody knows, you  
 14 know, just came down, how would you suggest doing  
 15 that. And, you know, I can understand where you're  
 16 coming from. Certainly simultaneous briefs would  
 17 be quicker, but you do have the disadvantage then  
 18 as not getting the last word, so to speak.  
 19 So I don't know how restrictive we can ask --  
 20 if Mr. Coit's trying to address and he stays within  
 21 the bounds of the new Decision, it becomes a little  
 22 challenging to tie his hands too much in what he  
 23 can cover if he thinks it's relevant to the actual  
 24 Decision. I mean, one other way to do it would be  
 25 to allow him to file first and then go with a very

15

1 short reply period. And I would kind of be curious  
 2 to see what the staff and Mr. Coit and you might  
 3 think about something along those lines.  
 4 And I guess, Mr. Coit, I would ask you, I  
 5 mean, how tight can you keep this brief? And it's  
 6 a little bit hard without going through actually  
 7 and briefing to know exactly where you're going  
 8 with that.  
 9 MR. COIT: Well, first I would say  
 10 the only reason we suggested simultaneous briefs, I  
 11 know there's concern about how long this proceeding  
 12 has lasted, and there's certainly rightly so some  
 13 push to get it decided. So as far as the  
 14 simultaneous briefing, we're not really committed  
 15 to that. What's important to us is that we get  
 16 some opportunity to file comments on April 8. If  
 17 they want to submit comments after that or at the  
 18 same time, we don't really care with respect to  
 19 that.  
 20 As far as what we're intending on addressing,  
 21 and I probably will be drafting these comments,  
 22 it's just primarily, I think, giving us the  
 23 opportunity to look at the Decision and say, okay,  
 24 here's why these new criteria are important in this  
 25 case. I don't anticipate any really lengthy

16

1 comments.  
 2 I'm sure we'll be referencing back to the  
 3 initial brief for some of the comments that we  
 4 submitted at that time. I think a lot of the  
 5 comments will surround the build-out requirement  
 6 and the lack of evidence on the current record with  
 7 respect to any commitment on the part of RCC to  
 8 actually build out throughout these wire centers.  
 9 So that probably will be the bulk of it.  
 10 And we'll probably also submit some testimony  
 11 with respect to some of the cream-skimming  
 12 clarifications made. At this point not having  
 13 outlined it yet, I'm not exactly sure, but I don't  
 14 anticipate that this is going to be anything all  
 15 that lengthy. More than anything, it's policy.  
 16 It's whether you want to follow these new  
 17 guidelines and being able to make argument with  
 18 respect to why that policy makes sense. I  
 19 personally don't see that we're going to dig way  
 20 back into the record and bring out a bunch of new  
 21 stuff.  
 22 VICE CHAIRMAN SAHR: And I think the  
 23 expectation, and it sounds like you're agreeing to  
 24 that, would be to keep within the bounds of  
 25 anything that would be pertinent to the FCC's new

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1 Order. So, you know, I think as long as we keep it  
 2 to that, I think it would be useful for the  
 3 Commission to have that perspective on it.  
 4 I'm going to ask our General Counsel and see  
 5 if she has any suggestions on how to approach this.  
 6 MS. AILTS WIEST: Well, my  
 7 recommendation was going to be that the Commission  
 8 grant the Motion and allow simultaneous and even  
 9 optional briefs by April 8.  
 10 And with respect to RCC having the ability to  
 11 maybe respond to what the Interveners have to say,  
 12 I was also going to suggest that on the April 12  
 13 meeting that the Commission put it on the -- on  
 14 that agenda in order for something similar to oral  
 15 arguments, and then all the parties would have an  
 16 opportunity to respond.  
 17 And I would also say with respect to what  
 18 Mr. LaFuria stated is that at least from my  
 19 perspective I'm not interested in receiving anymore  
 20 evidence. It was only just to discuss the FCC's  
 21 Decision and what effect, if any, that should have  
 22 on this case.  
 23 And I did have something else that I was going  
 24 to bring up and that the parties could address in  
 25 their briefs or they don't have to. They can

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1 certainly address it at the April 12 meeting. And  
 2 that was the effect of one of our Administrative  
 3 Rules, 20:10:32:42, and the last sentence of that  
 4 and the effect of that, if any, on particularly  
 5 RCC's first preferred proposal that they're  
 6 requesting in this case. And that would be my  
 7 recommendation.  
 8 VICE CHAIRMAN SAHR: Thank you.  
 9 Mr. Smith, do you have any comments, and then I'll  
 10 go back to RCC and see how they feel about the  
 11 proposed schedule.  
 12 MR. SMITH: No. I think Ms. Wiest's  
 13 proposal was fine. I guess one other  
 14 possibility -- my recollection is that the 12th is  
 15 on a Tuesday. Am I remembering that right?  
 16 MS. AILTS WIEST: Yes.  
 17 MR. SMITH: I guess one other  
 18 possibility would be to allow RCC to file on the  
 19 11th. That way they'd at least have a couple of  
 20 days to review. But whatever you want to do is  
 21 fine with me.  
 22 VICE CHAIRMAN SAHR: Thank you.  
 23 RCC, how do you feel about this? I think the  
 24 options are to go with either the simultaneous  
 25 brief and then follow up with orals, which I think

19

1 most people seem to think that the oral arguments  
 2 would be worthwhile for the Commission or to allow  
 3 a first brief and then have you file something very  
 4 quickly afterwards. And I'm curious to see your  
 5 perspective on that and also what effect it might  
 6 have on any sort of filings that you might have to  
 7 make if you do, in fact, get ETC designation.  
 8 MR. LAFURIA: David here. I feel  
 9 rather strongly that we don't have a whole lot to  
 10 say in the initial round of comments but that we  
 11 would prefer to just respond to what the  
 12 Interveners have to say in their briefing. So not  
 13 withstanding that, I think it will be a little  
 14 tight. I think I'd rather try to squeeze in a  
 15 short response in writing and do our best in oral  
 16 argument on the 12th, if need be, if you'll indulge  
 17 us, to clean up anything that we need to clean up  
 18 on the administrative or the effect on the -- the  
 19 effect -- the Rule 20:10:30:42.  
 20 I did notice in the Intervener's presentation  
 21 following mine that there was mention of testimony  
 22 being submitted. And I think we need to draw a  
 23 clear line here so that we understand this just  
 24 because I don't believe that we should take  
 25 testimony or anything that amounts to record

20

1 evidence here but simply comment on the effect of  
 2 the FCC's Order on our current record and in that  
 3 way cabin in where we're going with this. Because  
 4 I certainly don't want to send all of this stuff  
 5 out to our expert witness and have him start  
 6 working on things and getting on a time schedule to  
 7 respond. I really hope that we're not going there.  
 8 But if it's this Commission's will to hear  
 9 some comments, we're happy to provide them and  
 10 would like to have it on the schedule that I set  
 11 out.  
 12 VICE CHAIRMAN SAHR: Okay. So we're  
 13 looking at April 8 for a filing by Mr. Coit.  
 14 MS. AILTS WIEST: I was wondering,  
 15 can we just move that up to April 6 then?  
 16 MR. COIT: Well, I have a little bit  
 17 of concern about that because Darla is out pretty  
 18 much all next week until Thursday. So if I don't  
 19 get it until the 8th, she's not hardly going to  
 20 have a chance to review it.  
 21 VICE CHAIRMAN SAHR: So if you look  
 22 at the 8th for a filing for RCC, I would think  
 23 anything on or before the 11th, look at that, we'll  
 24 have oral arguments on the 12th, and then my  
 25 understanding is we wouldn't do any sort of bench

1 ruling. We would look at setting it for a hearing  
2 sometime probably within the next couple of weeks  
3 or so after that to make an actual decision.

4 MS. AILTS WIEST: Right. A decision  
5 after April 12. And just to clarify, these would  
6 only be comments. They would not be any sort of  
7 evidence that would be taken on April 12. It's  
8 only arguments from attorneys.

9 VICE CHAIRMAN SAHR: Right. And I  
10 think, Mr. Coit, you weren't going to try to put  
11 any new evidence into your brief.

12 MR. COIT: Certainly might reference  
13 the current record but certainly not bringing  
14 anything that isn't in the current record.

15 VICE CHAIRMAN SAHR: I think we can  
16 give RCC a little bit of confidence we're not going  
17 to open up the record. It's going to be something  
18 that's based on the record at hand, and we're just  
19 talking about the FCC's Decision.

20 MR. COIT: Yeah. Certainly at this  
21 point that's what it is. We don't believe that the  
22 current record supports a finding that they've met  
23 some of these new criteria, and we'll make that  
24 argument but that's -- I don't think that -- I  
25 mean, whether we reopen the record, that's going to

1 be up to them or you, I guess, at some point.

2 VICE CHAIRMAN SAHR: Thank you. Any  
3 questions from the Commissioners?

4 Any other additional comments?

5 MR. LAFURIA: David here. One  
6 question. Would it be possible to ask for the  
7 April 8 submission to be made electronically, and  
8 is it possible that it could be done by the 12 noon  
9 hour so that we could have some time on Friday to  
10 work just because the 11th could turn out to be a  
11 travel day and we'll only have the weekend to  
12 complete a response.

13 VICE CHAIRMAN SAHR: What day of the  
14 week is the 8th?

15 MR. COIT: Friday.

16 VICE CHAIRMAN SAHR: Is that okay,  
17 Rich?

18 MR. COIT: That's fine. Yeah.

19 MS. AILTS WIEST: Okay. So we'll  
20 have an April 8 noon electronically.

21 MR. LAFURIA: One last question, and  
22 that is of the General Counsel. Following today's  
23 meeting is there going to be something where there  
24 is set forth with any specificity what you would  
25 like to hear comment on on the

1 Rule 20:10:30:42 so that we can work off that early  
2 perhaps?

3 MS. AILTS WIEST: It's actually  
4 20:10:32:42. And just looking at the last sentence  
5 of that, my question is whether that affects RCC's  
6 preferred proposal with respect to redefining down  
7 to the wire center and then -- but then designating  
8 it within RCC's area that it currently serves.

9 MR. LAFURIA: I've got it. Thanks  
10 very much.

11 MS. AILTS WIEST: Yep. Thanks.

12 VICE CHAIRMAN SAHR: All right. And  
13 I'm going to try to get this into a Motion, and  
14 please feel free to point out if I do not get this  
15 correct.

16 But I would move that we grant the Motion to  
17 submit a supplemental brief that will be due on or  
18 before April 8 at noon and will be filed  
19 electronically by that time and date. RCC will  
20 also have the option to file a supplemental reply  
21 brief that will be filed no later than April 11 and  
22 we will also -- well, we'll also ask the parties to  
23 brief the effect of the rule that General Counsel  
24 had brought up, 20:10:32:42. And although it's not  
25 part of the Motion, I'll also say we will intend to

1 have oral arguments set for April 12.

2 CHAIRMAN HANSON: Second.

3 COMMISSIONER JOHNSON: I concur.

4 MR. COIT: Thank you very much.

5 VICE CHAIRMAN SAHR: Did I miss  
6 anything?

7 Thank you. And we'll be off the record.

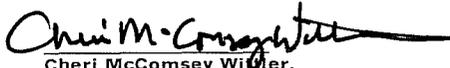
8 (The proceedings concluded at 9:40 a.m.)  
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1 STATE OF SOUTH DAKOTA )  
2 :SS CERTIFICATE  
3 COUNTY OF HUGHES )  
4

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

8 DO HEREBY CERTIFY that as the duly-appointed  
9 shorthand reporter, I took in shorthand the proceedings  
10 had in the above-entitled matter on the 29th day of  
11 March 2005, and that the attached is a true and  
12 correct transcription of the proceedings so taken.

13 Dated at Pierre, South Dakota this 29th day  
14 of March 2005.

15  
16  
17 

18 Cheri McComsey Wittler,  
19 Notary Public and  
Registered Professional Reporter

20  
21  
22  
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25

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