

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

IN THE MATTER OF THE FILING BY DAKOTA)	AMENDED ORDER FOR
TELECOM, INC., DAKOTA)	AND NOTICE OF HEARING
TELECOMMUNICATIONS SYSTEMS, INC.,)	AND PROCEDURAL
AND DAKOTA COOPERATIVE)	SCHEDULE
TELECOMMUNICATIONS, INC., FOR)	
INTERCONNECTION WITH FORT RANDALL)	TC97-062
TELEPHONE COMPANY)	

On June 3, 1997, Dakota Telecom, Inc., Dakota Telecommunications Systems, Inc., and Dakota Cooperative Telecommunications, Inc. (collectively Dakota) filed a Notice of Request for Interconnection with Fort Randall Telephone Company (Fort Randall) with the South Dakota Public Utilities Commission (Commission).

At its July 15, 1997, regularly scheduled meeting, the Commission granted intervention to the South Dakota Independent Telephone Coalition (SDITC). At a July 18, 1997, ad hoc meeting, the Commission found Dakota's request was not a bona fide request as required by 47 U.S.C. Section 251 (f)(1). The Commission further found that it would hold a hearing on whether Dakota shall be required to meet Eligible Telecommunications Carrier (ETC) requirements before being allowed to provide service in exchanges owned by Fort Randall.

On August 4, 1997, Dakota filed an appeal of this matter to the Circuit Court, Sixth Judicial Circuit. On August 8, 1997, Fort Randall and intervenor SDITC filed for removal of the appeal to the United States District Court, District of South Dakota. On August 14, 1997, at Dakota's request, the Commission suspended the procedural schedule for the hearing in this matter.

This matter again came before the Commission at its September 9, 1997, regular meeting, at which time it found that Dakota's request for interconnection dated August 15, 1997, to be a bona fide request and it further directed the Executive Director to establish a procedural schedule.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, ARSD Chapter 20:10:01 and the Telecommunications Act of 1996 (Act). The Commission may rely upon any or all of these or other laws of this state in making its determination.

The first issue at this hearing is whether Fort Randall as a rural telephone company shall be entitled to retain an exemption under 47 U.S.C. 251(f)(1) for its service territory. At its October 22, 1997, ad hoc meeting, the Commission considered whether to include as an issue whether the Commission shall require Dakota to meet the requirements of an Eligible Telecommunications Carrier. After listening to the arguments of the parties, the Commission voted to expand the scope of the hearing to include this issue. Therefore, the second issue at this hearing is whether the Commission shall require Dakota to meet the requirements of an Eligible Telecommunications Carrier before being allowed to provide service in exchanges owned by Fort Randall.

The procedural schedule for the hearing shall be as follows:

Simultaneous prefiled testimony shall be filed by all parties on or before October 30, 1997.

The hearing in this matter shall be held on November 3 and 4, 1997, starting at 1:30 p.m., on November 3, 1997, in Room 464, State Capitol Building, 500 East Capitol, Pierre, South Dakota.

Persons testifying will be subject to cross-examination by the parties. The order of the proceeding will be in the following sequence: (1) Fort Randall, (2) Dakota, and (3) Staff.

The hearing is an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to attend and represent themselves or be represented by an attorney. However, such 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 testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20.

The Commission, after examining the evidence and hearing testimony presented by the parties, shall make Findings of Fact, Conclusions of Law, and a Final Decision. As a result of the hearing, the Commission may determine whether Fort Randall shall be entitled to a statutory exemption, pursuant to 47 U.S.C. § 251(f)(1), and whether Dakota shall be required to meet the requirements of an Eligible Telecommunications Carrier before being allowed to provide service in exchanges owned by Fort Randall. It is therefore

ORDERED that a hearing shall be held on the issues at the time and place stated 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 22nd day of October, 1997.

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:

A. Terry Horn

Date:

10-22-97

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:
Commissioners Burg, Nelson and
Schoenfelder

William Bullard, Jr.

WILLIAM BULLARD, JR.
Executive Director

