

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING BY DICKEY RURAL TELEPHONE COOPERATIVE AND ITS WHOLLY OWNED SUBSIDIARY, DICKEY RURAL COMMUNICATIONS, INC. FOR APPROVAL OF PETITION FOR SUSPENSION AND MODIFICATION OF DIALING PARITY)))))))	ORDER GRANTING PETITION FOR SUSPENSION AND MODIFICATION IN PART TC99-041
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On April 19, 1999, Dickey Rural Telephone Cooperative and Dickey Rural Communications, Inc. filed for approval of their petition for suspension and modification of dialing parity. Dickey Rural Telephone Cooperative and Dickey Rural Communications, Inc. each have fewer than 2% of the nation's subscriber lines installed in the aggregate. Pursuant to 47 U.S.C. ' 251(f)(2), Dickey Rural Telephone Cooperative and Dickey Rural Communications, Inc. petitioned the Commission for a suspension and modification of the requirement for implementation of intraLATA dialing parity in its service areas until June 30, 2000. Dickey Rural Telephone Cooperative and Dickey Rural Communications, Inc. stated that "[t]he grounds for the petition are that suspension and modification are: a) necessary to avoid imposing requirements that are unduly economically burdensome and infeasible, and b) consistent with the public interest, convenience and necessity. The compressed schedule mandated by the FCC's 1999 Order [CC Docket No. 96-98, Order adopted March 19 and released March 23, 1999, FCC 99-54] is burdensome and infeasible for small LECs to develop and administer plans for timely notification of their subscribers and interexchange carriers regarding subscribers' selection of intraLATA toll providers, and for small LECs to develop fully compensatory local exchange access rates to replace the current arrangement."

The Commission requested comments on Dickey Rural Telephone Cooperative and Dickey Rural Communications, Inc.'s petition for suspension and modification. Commission Staff recommended denying the petition.

On June 3, 1999, Dickey Rural Telephone Cooperative and Dickey Rural Communications, Inc. filed their petition for suspension and modification affidavit that they intended to file with the North Dakota Public Service Commission (NDPSC) for a June 15, 1999, hearing before the NDPSC. The companies requested that the Commission consider mirroring the outcome of the NDPSC hearing.

At its June 22, 1999, meeting, the Commission considered whether to grant the petition. The Commission has jurisdiction over this matter pursuant to SDCL 49-31-80 and 49-31-81, ARSD 20:10:32:39, and the federal Telecommunications Act of 1996, specifically " 251 and 252. Dickey Rural Telephone Cooperative and Dickey Rural Communications, Inc. did not appear at the meeting. Commission Staff informed the Commission that the NDPSC had to delay its hearing until July so the NDPSC had not ruled on the issue yet. The Commission voted unanimously to grant Dickey Rural Telephone Cooperative and Dickey Rural Communications, Inc. a suspension and modification until September 15, 1999. The Commission found, pursuant to SDCL 49-31- 81 and section 251 (f)(2), the suspension and modification was necessary to avoid imposing a requirement that was technically infeasible since Dickey Rural Telephone Cooperative and Dickey Rural Communications, Inc. had not yet begun to implement dialing parity pending the ruling on their petition for suspension and modification. The Commission further found that the suspension and modification was consistent with the public interest, convenience, and necessity. In making this determination, the Commission noted that the suspension and modification that it granted was for a shorter time period then requested by the companies. The Commission found that the companies' request for a suspension and modification until June 30, 2000, was not adequately justified by the companies.

On August 4, 1999, the Commission received a letter from Dickey Rural Telephone Cooperative and Dickey Rural Communications, Inc., requesting the Commission to consider mirroring the North Dakota Public Service Commission order issued July 16, 1999, extending, until January 1, 2000, the suspension and modification of the requirements of dialing parity. At its regularly scheduled meeting on August 17, 1999, the Commission considered this request. Commission Staff recommended that the Commission grant the request and require the companies to file a dialing parity plan by November 15, 1999. The Commission unanimously voted to grant the request to mirror the North Dakota Public Service Commission's order No. PU-405-99-204 extending until January 1, 2000,

the suspension and modification of the requirements of dialing parity. The Commission also required the companies to file a dialing parity plan by November 15, 1999. It is therefore

ORDERED, that Dickey Rural Telephone Cooperative and Dickey Rural Communications, Inc. are granted a suspension and modification of the requirement for implementing intraLATA dialing parity until January 1, 2000; and it is

FURTHER ORDERED, that Dickey Rural Telephone Cooperative and Dickey Rural Communications, Inc. shall file by November 15, 1999, a dialing parity implementation plan consistent with the Commission orders issued in Docket TC99-030 and any applicable FCC orders.

Dated at Pierre, South Dakota, this 26th day of August, 1999.

CERTIFICATE OF SERVICE	BY ORDER OF THE COMMISSION:
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: _____	JAMES A. BURG, Chairman
Date: _____	_____
(OFFICIAL SEAL)	PAM NELSON, Commissioner

	LASKA SCHOENFELDER, Commissioner