

0-1HB

DOCKET NO.

In the Matter of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IN THE MATTER OF THE FILING BY  
HANSON COMMUNICATIONS INC.  
D/B/A HANSON COUNTY TELEPHONE  
COMPANY FOR DESIGNATION AS AN  
ELIGIBLE TELECOMMUNICATIONS  
CARRIER

## Public Utilities Commission of the State of South Dakota

| DATE     | MEMORANDA                                                               |
|----------|-------------------------------------------------------------------------|
| 7/10/97  | Filed and Booked;                                                       |
| 7/10/97  | TC Fed. Filing                                                          |
| 11/7/97  | Order for and Status of Hearing;                                        |
| 12/2/97  | Transcript of Hearing held on 11/19/97;                                 |
| 12/17/97 | Agenda of Fact, Conclusions of Law, Order and Notice of Entry of Order; |
| 13/17/97 | Request Closure                                                         |
| 13/23/97 | Timeline and Link Up Plan for Herson                                    |

|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |          |          |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|
| TC97-129 | Application by Telco Holdings, Inc. d/b/a Dial & Save for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: DJ/TZ) "Telco proposes to provide resold local exchange service to subscribers from all points within the state of South Dakota and, therefore, seeks statewide authorization. Specifically, Telco seeks authority to resell local exchange service in the existing service area of U S WEST....The specific manner in which Telco will provide local exchange service depends upon the result of negotiations with the incumbent local exchange carriers currently operating within the State." | 07/10/97 | 07/25/97 |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|

#### REQUEST FOR ELIGIBLE TELECOMMUNICATIONS COMPANY STATUS

|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |          |          |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|
| TC97-125 | Brookings Municipal Utilities - Telephone Department pursuant to 47 U.S.C. 214(s) and 47 CFR 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Brookings Telephone is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchange prefixes in South Dakota: 609, 682, 693 and 697 - serving within the corporate limits of Brookings, SD. Brookings Telephone, to its knowledge, is the only carrier today providing local exchange telecommunications service in the above identified service area. (Staff: NS/KCZ) | 07/07/97 | 07/25/97 |
|          | Hansen Communications d/b/a Hansen County Telephone Company pursuant to 47 U.S.C. 214(s) and 47 CFR 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Hansen is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchange prefixes in South Dakota: 609, 682, 693 and 697 - serving within the corporate limits of Hansen, SD. Hansen, to its knowledge, is the only carrier today providing local exchange telecommunications service in the above identified service area. (Staff: NS/KCZ)                       | 07/07/97 | 07/25/97 |

PAGE 2 OF 2

|                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| South Dakota<br>Public Utilities Commission<br>State Capitol 500 E. Capitol<br>Pierre, SD 57501-5070<br>Phone: (800) 332-1782<br>Fax: (605) 773-3809 | <h2>TELECOMMUNICATIONS SERVICE FILINGS</h2> <p>These are the telecommunications service filings that the Commission has received for the period of:</p> <h3>07/04/97 through 07/10/97</h3> <p>If you need a complete copy of a filing filed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five days of this filing.</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| DOCKET NUMBER                               | TITLE/STAFF/SYNOPSIS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | DATE FILED | INTERVENTION DEADLINE |
|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------------------|
| <b>REQUEST FOR CERTIFICATE OF AUTHORITY</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |            |                       |
| TC97-122                                    | Application by Access Point, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/TZ) "Applicant is a switchless reseller which intends to offer 1+ direct dialing, 800 toll free, and travel card (no prepaid calling cards) service through the resale of telephone services provided by facilities-based interexchange carriers."                                                                                            | 07/07/97   | 07/25/97              |
| TC97-123                                    | Application by USBG, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/TZ) "Applicant seeks authority to offer a full range of 1+ interexchange telecommunications services on a resale basis. Specifically, Applicant seeks authority to provide MTS, out-WATS, in-WATS and Calling Card services. Applicant does not intend to provide operator services, 900 or 700 services."                                            | 07/07/97   | 07/25/97              |
| TC97-124                                    | Application by Electric Lightwave, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/TZ) "Applicant seeks ... authority to provide 1+ business 800, business calling cards, and prepaid calling cards to the general public and to small and large business."                                                                                                                                                                | 07/07/97   | 07/25/97              |
| TC97-127                                    | Application by Telco Holdings, Inc. d/b/a Dial & Save for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: DJ/TZ) "Petitioner proposes to provide 24-hour intrastate interexchange telecommunications services, 800 services, and postpaid debit travel card services. Telco Holdings, Inc. hereby adopts the tariff of Dial & Save which has been approved and is on file with the Commission."                                        | 07/09/97   | 07/25/97              |
| TC97-126                                    | Application by Clarity Telecom LD Network Services, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: DJ/TZ) "The specific services to be offered by Clarity include switched inbound and outbound services to employees of Clarity and switched and dedicated inbound and outbound services for commercial customers, calling cards and directory assistance services for presubscribed commercial and residential customers." | 07/10/97   | 07/25/97              |

PAGE 1 OF 2



# South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

October 1, 1997

Mr. Richard D. Coit  
Executive Director  
SDITC  
P. O. Box 57  
Pierre, SD 57501

RE: Eligible Telecommunications Carrier application, TC97-130  
Hanson Communications d/b/a Hanson County Telephone Company

Dear Mr. Coit:

The above-referenced application has been reviewed by the staff of the Public Utilities Commission. The following additional information is needed in order for the Commission to consider this application:

1. Pursuant to 47 C.F.R. 54.101(a)(4), single-party service or its functional equivalent must be made available by an Eligible Telecommunications Carrier (ETC) to receive universal service support mechanisms. Does the above-referenced company have this service?
2. Pursuant to 47 C.F.R. 54.405 and 54.411, Lifeline and Link Up services must be made available by an ETC to qualifying low-income consumers. Does the applicant company, as referenced above, make these services available to qualifying consumers?
3. Please provide a verification by an authorized officer, under oath, to the Commission in which the applicant represents to the Commission that the facts stated in the Request for ETC Designation and the response to data request nos. 1 and 2, above, are truthful.

Please respond by October 14, 1997. Upon receipt of this information, it will be evaluated by staff and the matter will be scheduled for consideration by the Commission. Thank you for your attention to this matter.

PLEASE NOTE THAT STAFF'S POSITION IS THAT THE COMMISSION CAN ONLY MAKE AN ETC DESIGNATION FOR THOSE EXCHANGES WHICH ARE LOCATED IN SOUTH DAKOTA.

Sincerely,

Camron Hoseck  
Staff Attorney

cc: Harlan Best

Capitol Office  
Telephone (605) 773-3301  
FAX (605) 773-3809

Transportation/  
Warehouse Division  
Telephone (605) 773-5300  
FAX (605) 773-3325

Consumer Hotline  
1-800-332-1782

TTY Through  
Relay South Dakota  
1-800-877-1113

Internet  
bill@puc.state.sd.us

Jim Burg  
Chairman  
Pam Nelson  
Vice-Chairman  
Linda Schoenfelder  
Commissioner

William Bullard Jr.  
Executive Director

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Lewis Hammond  
Leri Healy  
Camron Hoseck  
Dave Jacobson  
Bob Knaflke  
Delaine Kolbo  
Terri J. Lemeister  
Jeffrey P. Lorenson  
Terry Norum  
Gregory A. Rislov  
Tammi Sengels  
Steven M. Wegman  
Roxanne Alts Wiest

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILINGS BY THE ) ORDER FOR AND NOTICE  
FOLLOWING TELECOMMUNICATIONS ) OF HEARING  
COMPANIES FOR DESIGNATION AS )  
ELIGIBLE TELECOMMUNICATIONS )  
CARRIERS: )

|                                      |          |
|--------------------------------------|----------|
| VIVIAN TELEPHONE COMPANY )           | TC97-068 |
| )                                    |          |
| GOLDEN WEST TELECOMMUNICATIONS )     | TC97-069 |
| COOPERATIVE, INC. )                  |          |
| VALLEY CABLE & SATELLITE )           | TC97-070 |
| COMMUNICATIONS, INC. )               |          |
| VALLEY TELECOMMUNICATIONS )          | TC97-071 |
| COOPERATIVE ASSOCIATION, INC. )      |          |
| SIOUX VALLEY TELEPHONE COMPANY )     | TC97-073 |
| )                                    |          |
| MOUNT RUSHMORE TELEPHONE COMPANY )   | TC97-074 |
| )                                    |          |
| FORT RANDALL TELEPHONE COMPANY )     | TC97-075 |
| )                                    |          |
| INTRASTATE TELEPHONE COMPANY )       | TC97-077 |
| COOPERATIVE, INC. )                  |          |
| INTERSTATE TELECOMMUNICATIONS )      | TC97-078 |
| COOPERATIVE, INC. )                  |          |
| WEST RIVER COOPERATIVE TELEPHONE )   | TC97-080 |
| COMPANY )                            |          |
| STATELINE TELECOMMUNICATIONS, INC. ) | TC97-081 |
| )                                    |          |

|                              |          |
|------------------------------|----------|
| ATLANTIC TELEPHONE COMPANY ) | TC97-083 |
| )                            |          |
| ATLANTIC TELEPHONE COMPANY ) | TC97-084 |
| )                            |          |
| ATLANTIC TELEPHONE COMPANY ) | TC97-085 |
| )                            |          |
| ATLANTIC TELEPHONE COMPANY ) | TC97-086 |
| )                            |          |
| ATLANTIC TELEPHONE COMPANY ) | TC97-087 |
| )                            |          |
| ATLANTIC TELEPHONE COMPANY ) | TC97-088 |
| )                            |          |
| ATLANTIC TELEPHONE COMPANY ) | TC97-089 |
| )                            |          |
| ATLANTIC TELEPHONE COMPANY ) | TC97-090 |
| )                            |          |
| ATLANTIC TELEPHONE COMPANY ) | TC97-092 |
| )                            |          |
| ATLANTIC TELEPHONE COMPANY ) | TC97-093 |
| )                            |          |
| ATLANTIC TELEPHONE COMPANY ) | TC97-094 |
| )                            |          |
| ATLANTIC TELEPHONE COMPANY ) | TC97-095 |
| )                            |          |
| ATLANTIC TELEPHONE COMPANY ) | TC97-096 |
| )                            |          |



|                                       |          |
|---------------------------------------|----------|
| SANBORN TELEPHONE COOPERATIVE )       | TC97-097 |
| )                                     |          |
| BERESFORD MUNICIPAL TELEPHONE CO. )   | TC97-098 |
| )                                     |          |
| ROBERTS COUNTY TELEPHONE )            | TC97-099 |
| COOPERATIVE ASSOCIATION )             |          |
| RC COMMUNICATIONS, INC. )             | TC97-100 |
| )                                     |          |
| SPLITROCK PROPERTIES, INC. )          | TC97-101 |
| )                                     |          |
| SPLITROCK TELECOM COOPERATIVE, INC. ) | TC97-102 |
| )                                     |          |
| TRI-COUNTY TELECOM, INC. )            | TC97-105 |
| )                                     |          |
| FAITH MUNICIPAL TELEPHONE COMPANY )   | TC97-108 |
| )                                     |          |
| ARMOUR INDEPENDENT TELEPHONE )        | TC97-113 |
| COMPANY )                             |          |
| BRIDGEWATER-CANISTOTA INDEPENDENT )   | TC97-114 |
| TELEPHONE COMPANY )                   |          |
| UNION TELEPHONE COMPANY )             | TC97-115 |
| )                                     |          |
| MCCOOK COOPERATIVE TELEPHONE )        | TC97-117 |
| COMPANY )                             |          |
| KADOKA TELEPHONE COMPANY )            | TC97-121 |
| )                                     |          |

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|--|----------|
|  | TC97-125 |
|  |          |
|  |          |
|  | TC97-131 |
|  |          |
|  | TC97-154 |
|  |          |
|  | TC97-155 |
|  |          |
|  | TC97-163 |
|  |          |
|  | TC97-167 |

The Commission received requests from the above captioned parties requesting designation as eligible intervenors.

On June 27, 1997, the Commission received requests for intervention from the above captioned parties and the intervention of the parties to the proceedings. On June 27, 1997, the Commission received requests for intervention from the above captioned parties and the intervention of the parties to the proceedings. On June 27, 1997, the Commission received requests for intervention from the above captioned parties and the intervention of the parties to the proceedings.

The Commission received requests from the above captioned parties requesting designation as eligible intervenors. On June 27, 1997, the Commission received requests for intervention from the above captioned parties and the intervention of the parties to the proceedings.

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A hearing shall be held at 1:30 P.M., on Wednesday, November 19, 1997, in Room 412, State Capitol, Pierre, South Dakota. It 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 may either grant or deny the request from any of the above captioned telecommunications companies requesting designation as an eligible telecommunications carrier, and the Commission shall establish service areas for eligible telecommunications carriers. The Commission's 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 a hearing shall be held at the time and place specified above on the issues of whether the above captioned telecommunications companies should be granted designation as eligible telecommunications carriers, and the Commission shall establish service areas for eligible telecommunications carriers.

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 7<sup>th</sup> day of November, 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: William Bullard, Jr.

Date: 11/7/97

(OFFICIAL SEAL)

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

William Bullard, Jr.  
WILLIAM BULLARD, JR.  
Executive Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

RECEIVED

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SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

IN THE MATTER OF THE FILINGS BY THE  
FOLLOWING TELECOMMUNICATIONS  
COMPANIES FOR DESIGNATION AS  
ELIGIBLE TELECOMMUNICATIONS CARRIERS:

|                                                           |          |
|-----------------------------------------------------------|----------|
| VIVIAN TELEPHONE COMPANY                                  | TC97-068 |
| GOLDEN WEST TELECOMMUNICATIONS<br>COOPERATIVE, INC.       | TC97-069 |
| VALLEY CABLE & SATELLITE<br>COMMUNICATIONS, INC.          | TC97-070 |
| VALLEY TELECOMMUNICATIONS COOPERATIVE<br>ASSOCIATES, INC. | TC97-071 |
| SIOUX VALLEY TELEPHONE COMPANY                            | TC97-073 |
| MOUNT RUSHMORE TELEPHONE COMPANY                          | TC97-074 |
| FORT RANDALL TELEPHONE COMPANY                            | TC97-075 |
| INTRASTATE TELEPHONE COMPANY<br>COOPERATIVE, INC.         | TC97-077 |
| INTERSTATE TELECOMMUNICATIONS<br>COOPERATIVE, INC.        | TC97-078 |
| WEST RIVER COOPERATIVE TELEPHONE<br>COMPANY               | TC97-080 |
| STATELINE TELECOMMUNICATIONS, INC.                        | TC97-081 |
| ACCENT COMMUNICATIONS, INC.                               | TC97-083 |
| JAMES VALLEY COOPERATIVE TELEPHONE<br>COMPANY             | TC97-084 |
| HEARTLAND COMMUNICATIONS, INC.                            | TC97-085 |
| MIDSTATE TELEPHONE COMPANY, INC.                          | TC97-086 |
| BALTIC TELECOM COOPERATIVE                                | TC97-087 |
| EAST PLAINS TELECOM, INC.                                 | TC97-088 |

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|  | TC97-117 |
|  | TC97-121 |
|  | TC97-125 |
|  | TC97-125 |

1 HANSON COUNTY TELEPHONE COMPANY )  
 2 HANSON COMMUNICATIONS INC., D/B/A ) TC97-131  
 MCCOOK TELECOM )  
 3 WEST RIVER TELECOMMUNICATIONS ) TC97-154  
 COOPERATIVE )  
 4 MOBRIDGE TELECOMMUNICATIONS CO. ) TC97-155  
 5 U S WEST COMMUNICATIONS, INC. ) TC97-163  
 6 THREE RIVER TELCO ) TC97-167  
 7 )  
 8 )  
 9 )

10 HEARD BEFORE THE PUBLIC UTILITIES COMMISSION

11  
 12 PROCEEDINGS: November 19, 1997  
 1:30 P.M.  
 13 Room 412, Capitol Building  
 Pierre, South Dakota

14  
 15 PUC COMMISSION: Jim Burg, Chairman  
 16 Laska Schoenfelder, Commissioner  
 Pam Nelson, Commissioner

17  
 18 COMMISSION STAFF  
PRESENT: Rolayne Ailts Wiest  
 19 Camron Hoseck  
 Karen Cremer  
 20 Harlan Best  
 Bob Knadle  
 21 Gregory A. Rislov  
 David Jacobson

22  
 23  
 24 Reported by: Lori J. Grode, RMR  
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CHAIRMAN BURG: Okay. We'll go ahead and get started. I'll begin the hearing for the dockets relating to the eligible telecommunications carriers designation. The time is approximately 1:50. The date is November 19, 1997; and the location of the hearing is Room 412, State Capitol, Pierre, South Dakota.

I am Jim Burg, Commission Chairman. Commissioners Laska Schoenfelder and Pam Nelson are also present. I'm presiding over this hearing. The hearing was noticed pursuant to the Commission's Order For and Notice of Hearing issued November 7, 1997.

The issues at this hearing shall be as follows: One, whether the requesting telecommunications company should be granted designation as eligible telecommunications carriers; and, two, what service areas shall be established by the Commission.

All parties have the right to be present and to be represented by an attorney. All persons so testifying will be sworn in and subject to cross-examination by the parties. The Commission's final decision may be appealed by the parties to the State Circuit Court and the State Supreme Court.

Rolayne Wiest will act as Commission

1                    matters. The Commission may  
2                    preliminary rulings throughout  
3                    the proceedings. The preliminary rulings  
4                    will be made available to the Commission  
5                    and will be made over to Relayne for

1. Will you take appearances of the  
2. \_\_\_\_\_ represent?

14 I am here today representing all of

11 the [redacted] and also Kadoka which has  
12 [redacted] with the coalition.

13 and [redacted] representing some companies,  
14 and [redacted] delegate for the record which

16                     I'm here representing Valley;  
17                     Golden West, including Vivian;  
18                     

12 Q. Could you repeat those again?

20 Vivian, Golden West.

21 [redacted] Sully Buttes and

37 | Page | T. J. Hunt.

24 10/21 Houston and Tammy Wilka

35 **THE**



MS. CREMER: Karen Cremer, Commission staff.

MR. HOSECK: Camron Hoseck, Commission

staff.

MS. WIEST: We have had a request to take one of these dockets first and that's TC97-075. Do any of the parties want to make an opening statement before we begin?

Why don't you proceed with 075 then.

MR. COIT: Sure, that's fine. I really don't have an opening statement. There are a couple of exhibits that we would like to admit. And I understand there's also been some letters sent to the Commission that we would like to admit into the record as evidence on the ETC questions. And that would be Exhibit Number 1, which is the application of Fort Randall for ETC designation, and Exhibit No. 2, which is the response of Fort Randall to a data request from staff, dated, I believe, October 1st. And there are two letters. I don't know if we've marked those yet.

(EXHIBITS NO. 3 AND 4 WERE MARKED FOR IDENTIFICATION.)

MR. COIT: There are two other exhibits that have been marked Exhibit No. 3. Kathy Marmet, is that the letter of Dakota or is Exhibit 3 the letter.

MS. MARMET: Exhibit 3 is the letter of

Exhibit 1 is the letter

to the Commission, and Exhibit 4 is the response to the Commission.

What's the date of that letter,

November 15th.

November 15th.

I have one dated November

15th.

Is that right,

Okay. I had a letter

but the ones we have marked

believe both the letters are

1945.

The letter from Mr. Bradley is

1945.

Sorry about that.

And that's Exhibit 4.

Don't know why they're dated

the one we're seeking

Yes, they are identical so

as the 19th letter.

But they're not exactly

the 19th. Could I see the

Don't believe we got copies of



1 that one. (Pause.) So at this time are you offering  
2 Exhibits 1, 2, 3 and 4?

3 MR. COIT: Yes, that's correct.

4 MS. WIEST: Is there any objection to those  
5 exhibits being admitted? If not, 1, 2, 3 and 4 have  
6 been admitted in TC97-075. Then at this time I would  
7 ask if any of the parties have any questions pertaining  
8 to TC97-075, including the Commissioners?

9 The only question I would have, Rich, is on  
10 the response to the data request, Exhibit 2. And the  
11 first question it talks about single party service. I  
12 guess it's not absolutely clear that it's available to  
13 all the customers the way that the statement is written  
14 and answered.

15 MR. COIT: Oh, because they said does the  
16 above-referenced company have this service.

17 MS. WIEST: Right.

18 MR. COIT: Yeah, I guess that is correct.

19 And I am not here today to serve as a witness.

20 MS. WIEST: No.

21 MR. COIT: If that's a concern that you feel  
22 you need addressed, and I hate to say this, but I was  
23 led to believe that if there were some questions on  
24 applications and there was not a witness here to answer  
25 that, those questions could be dealt with between now

1 and the witnesses here today for  
2 the record. But there is not a  
3 witness here to answer to Fort Randall's

4 the only other thing I would  
5 like to see the Commission could just have  
6 the person who submitted the affidavit from the person.  
7 If we could approve it on the  
8 basis of the affidavit.

9 The filed exhibit just  
10 is not taking affidavits from the  
11 person who submitted the affidavit.  
12 I would like to eliminate that option.

13 And if there are any other  
14 questions, are there any other

15 questions? Can we make bench decisions?  
16 Staff will have something too.

17 That's all of the cases. Does staff  
18 want to go at the very end?  
19 Originally we had planned to go

20 the applicants?

21 And if these are treated  
22 very close to that, then we  
23 can see our case in a similar

1 manner.

2 CHAIRMAN BURG: That's fine.

3 MS. WIEST: Let's just go through them and  
4 then we'll have Harlan as the witness. Let's go back  
5 to TC97-068. Does anyone have any questions on  
6 TC97-068?

7 CHAIRMAN BURG: Just a clarification. What  
8 data request response is this?

9 MS. WIEST: Yes. That would be in that  
10 packet.

11 MR. COIT: Is there a chance that we could  
12 consider or deal with these en mass as Mr. Hoseck has  
13 indicated or suggested?

14 MS. WIEST: I'd rather not just because on a  
15 few of them I have a couple questions on some of them.

16 MR. COIT: Okay. Should I go ahead and  
17 introduce the exhibits?

18 MS. WIEST: Yes.

19 MR. COIT: With respect to Docket TC97-068  
20 there are two exhibits. Exhibit No. 1 is the actual  
21 ETC request filed by Vivian Telephone Company. And  
22 Exhibit No. 2 is the response of Vivian Telephone  
23 Company to a data request from Commission staff. We  
24 would move the admission of those exhibits. I do not  
25 have the dates. I don't have them here with me.

2 Exhibit No. 1 is 6-1997,  
3 and Exhibit No. 2 is the data request is

4 6-1997, right, not 6-19?

5 6-19, excuse me.

6 Is there any objection to

7 Exhibit No. 1 and 2? If not, they've

8 been admitted, on Exhibit 2, the first

9 is single party service

10 and I assume that means all

11 I should call Don Lee. Don Lee is

12 as well as some of the other

13 want to take a seat?

14 Yes, all right.

15 These, being first duly sworn,

16 and testified as follows:

17 EXHIBIT NO. 1

18 EXHIBIT NO. 2

19 Commission counsel's

20 your question is, yes, it

21 service private line

22 single party to all customers?

1 It's available to all customers?

2 A. Right.

3 MS. WIEST: Thank you. That's the only  
4 question I have. Does anybody else have any questions  
5 for this witness for 068? If not, thank you. I did  
6 admit Exhibit 1 and 2. 069.

7 MR. COIT: We would move the admission of  
8 Exhibits No. 1 and 2 in 069, and that is an ETC request  
9 or application dated 6-9-97 and response to a staff  
10 data request dated 10-14-97.

11 MS. WIEST: Any objection? If not, they've  
12 been admitted.

13 COMMISSIONER SCHOENFELDER: Excuse me, I do  
14 not have the data request up here with me for some  
15 reason. I'm sorry about this, but I need to go back  
16 and ask Mr. Lee about the Lifeline, Link Up. I think  
17 was that covered in the data request? I'm sorry to be  
18 behind the eight ball, but I did not have that and so I  
19 need to know whether this company is doing Lifeline,  
20 Link Up now or whether you need to -- whether you  
21 intend to have that implemented by 1-1?

22 A. You're referring to the Vivian Telephone  
23 Company?

24 COMMISSIONER SCHOENFELDER: Yeah, Vivian is  
25 what we're doing now.

1 ... company does provide  
2 ... its system with the  
3 ... and they anticipate  
4 ... Exchange by January 1,

5 ... But anticipated  
6 ... things. And I think I'm  
7 ... that you're either going to  
8 ... ask for something from

9 ... commitment that we will do it

10 ... SCHOENFELDER: I think that's  
11 ... I'm reading the Act right.

12 ... SCHOENFELDER: And I think  
13 ... that on the record.  
14 ... The answer is, yes,  
15 ... by 1-1-1998.

16 ... SCHOENFELDER: Thank you.

17 ... a question, a general

18 ... do we call it toll

19 ... on those, too, or a

20 ... actually request waivers

1 in their original applications.

2 MR. COIT: I was at the conclusion of going  
3 through, I guess, the questions and so forth, I was  
4 basically -- before the Commission acts on any of  
5 these, going to restate the request. But if the  
6 Commission has questions of Mr. Lee with respect to  
7 certain aspects of providing it, I would -- yeah, I  
8 would suggest you go ahead and ask it.

9 CHAIRMAN BURG: No, I don't have a problem as  
10 long as we know all of them that's going to apply to.  
11 In other words, if it applies to every one of them,  
12 then the statement at the end saying it applies on all  
13 of them is adequate for me. Or if you have some that  
14 already could do the toll control, we need to know  
15 that. I doubt if there are any at this time.

16 MR. COIT: No, we don't. And the waiver  
17 request is included in all the applications. But just  
18 to make sure it was ruled on, I was intending on  
19 bringing it up again at the end.

20 CHAIRMAN BURG: Okay. That's fine with me.

21 MS. WIEST: Any other questions of this  
22 witness regarding 068 and 069? If not, we will go to  
23 TC97-070.

24 MR. COIT: Again, I would move for the  
25 admission of two exhibits in TC97-070, and that is the

1 Exhibit 1, dated 8-10-97 and response  
2 Exhibit 2, dated 10-97.

3 Any objections? If not, Exhibits  
4 1 and 2 are admitted. Are there any questions  
5 regarding this? If not, let's go to

6 Exhibit 3, dated 10-14-97, would move for the admission of  
7 Exhibit 4, dated 10-14-97, request for STC status dated  
8 10-14-97, and request of staff dated

9 10-14-97. Any objections to Exhibits 1 and  
10 2? They have been admitted. Are there any  
11 questions regarding TC97-070? If not, we will go to

12 Exhibit 5, dated 10-14-97, would move for the admission of  
13 Exhibit 6, dated 10-14-97, and Exhibit  
14 7, dated 10-14-97, request dated 10-14-97.

15 Any objections to Exhibits 1 and  
16 2? They have been admitted.  
17 Any questions regarding TC97-070?

18 I would note that Dennis Law, who  
19 is the Director of Sioux Valley Telephone  
20 Company, the Commissioners have any

21 questions? If not, we'll go

1 to TC97-074.

2 MR. COIT: We would move for the admission of  
3 Exhibit No. 1, which is the ETC request dated 6-12-97  
4 and Exhibit No. 2, response to staff data request dated  
5 10-31-97.

6 MS. WIEST: Are there any objections? If  
7 not, 1 and 2 have been admitted. Are there any  
8 questions concerning 074? I have the same question on  
9 this one, Rich, with respect to the data request number  
10 one.

11 MR. COIT: Would an affidavit be adequate?

12 MS. WIEST: Yeah, as far as all customers.

13 MR. COIT: Okay. I will make sure that gets  
14 filed.

15 MS. WIEST: Any questions on 074? If not,  
16 let's go to TC97-077.

17 MR. COIT: We would move for the admission of  
18 Exhibit No. 1, which is the ETC request and that's  
19 dated 6-13-97. Also move for admission of Exhibit No.  
20 2, which is a response to data request dated 10-9-97.  
21 And there is also an Exhibit No. 3 in this docket, a  
22 supplemental response to staff data request. It's  
23 dated 10-28-97. We move the admission of all three  
24 exhibits.

25 MS. WIEST: Any objection? If not, those

1 [unclear] requested: Are there any  
2 [unclear] objections?

3 [unclear] Mr. Lee is representing  
4 [unclear]  
5 [unclear] right.

6 [unclear] Let's go to TC97-078.

7 [unclear] move for the admission of  
8 [unclear] ETC request dated 6-13-97  
9 [unclear] Exhibit No. 2, which is  
10 [unclear] request dated 10-9-97.

11 [unclear] objection to those exhibits?

12 [unclear] Any questions

13 [unclear] Let's go to TC97-080.

14 [unclear] move for the admission of  
15 [unclear] ETC request dated 6-16-97,  
16 [unclear] response to staff data  
17 [unclear] is dated 10-14-97.

18 [unclear] objection to Exhibits 1 and  
19 [unclear] admitted. Any questions  
20 [unclear] If not, let's move to

21 [unclear] move for the admission of ETC  
22 [unclear] Exhibit No. 1, and also  
23 [unclear] staff data request, dated

24 [unclear]



1 MS. WIEST: Are there any objections to 1 and  
2 2? If not, they've been admitted. Any questions  
3 regarding this docket? So, Rich, with respect to this  
4 one, you will be asking at the end about the waiver for  
5 the single party and all the other waivers; is that  
6 right?

7 MR. COIT: Is there a waiver request in the  
8 Stateline on the single party issue?

9 MS. WIEST: Yes.

10 MR. COIT: I wasn't aware of that. I  
11 understood there were some companies that had purchased  
12 U S West exchanges that were still in the process of  
13 converting some party lines. But, yes, if they need a  
14 waiver, I guess so. I'll renew that request. I don't  
15 have any factual information I can provide. I don't  
16 believe, Mr. Lee, are you here representing Stateline?

17 MR. LEE: I am. And in conversations with  
18 Stateline management yesterday, they indicated that  
19 they would likely need a waiver request until March,  
20 April time frame when they can finish the construction  
21 to provide all one party service.

22 MS. WIEST: And in their application they're  
23 actually asking for a one-year waiver; correct?

24 MR. LEE: But they're willing to shorten it  
25 up.

26 I think they probably just need a

27 waiver. I think that would be adequate.

28 I think that's all.

29 So we need to act on the

30 waiver. MR. COIT: Do you want a

31 waiver? MR. COIT: I think we should talk about that. The thing

32 is, I think, we're going to also need

33 a waiver for the one year on the toll

34 because we're going to be doing any of those motions

35 we have to take each of those

36 motions. I think, at the end for the toll

37 we're going to have to go through each

38 of them. If we want to go --

39 I think we should pick it up here now and

40 that might be the easiest way.

41 So we get to go through each

42 of them as you go through.

43 I think that's easier than going back.

44 So for 881 with respect to

45 881, 882, 883, 884, concerning single



1 party service to all customers, and the second waiver  
2 on toll control for one year -- one year from what  
3 date, Rich?

4 MR. COIT: I think I would guess that that  
5 would be from the date of the order.

6 MS. WIEST: Okay.

7 MR. COIT: On the toll control? You're  
8 speaking to the toll control; correct?

9 MS. WIEST: Yes, toll control.

10 COMMISSIONER SCHOENFELDER: I have a question  
11 as long as we're talking about the waivers both on toll  
12 control and on the single party service. As long as  
13 you're asking for waivers, let's make sure it's done  
14 properly and that we're not back here in two months  
15 asking for more waivers. I would hate to go through  
16 this process, or would not like to go through this  
17 process again. I think we need to be accurate when  
18 we're doing it. I also have a question about what  
19 meets the requirements of the Act? How much of a  
20 waiver can we give? I don't know as I know the answer  
21 to that.

22 MS. WIEST: Right. The time actually in the  
23 FCC Order is not specified. But it does say in  
24 paragraph 89, I believe, that the Commission must, upon  
25 a finding of exceptional circumstances, you can make a

1 waiver for a specified period  
2 of time. On toll limitation the company  
3 has to show that exceptional circumstances exist and need  
4 to be waived. They should have to  
5 show some individualized hardship or  
6 some time to comply and that  
7 it's in the public interest that is in  
8 the time period and it should  
9 be an exceptional circumstances

10 COMMISSIONER SCHOENFELDER: I would note that in the  
11 past, when we've requested a year, we've also  
12 requested that period of time we would file  
13 with the Commission indicating, you  
14 know, what's available. If the  
15 information is available. If the  
16 information is -- and Mr. Lee, I think, can  
17 testify to that in the area of toll control that  
18 I am not faced with a situation today  
19 where the information is just not available. If a  
20 year is requested, from our perspective we  
21 would like to see it would be available and  
22 that's over a year. But if there's better  
23 information, then the time period can be  
24 shorter. We really don't know when the  
25 information is available.

1 COMMISSIONER SCHOENFELDER: I hate to belabor  
2 the point, and I know everyone wants to get through  
3 this, but to me it's very important that we do it  
4 right. And so if it means that we need to answer the  
5 question when we grant these waivers and we send these,  
6 or you send them on to the FCC, we need to be sure that  
7 you have spelled out why these companies -- at least  
8 this is what I'm understanding -- why these companies  
9 can't do toll control and why it's going to take that  
10 long of a period of time to do single party service.  
11 And so I think that should be in the application  
12 somewhere, or at least in our motion as we approve it,  
13 or we should have something on the record to support  
14 where we're going.

15 MS. WIEST: They do explain the reasons in  
16 their application, their original application, with  
17 respect to toll control.

18 COMMISSIONER SCHOENFELDER: Okay.

19 MS. WIEST: But if there are any further  
20 questions that the Commission would like to ask at this  
21 time, if you need more information on that, we could do  
22 that now.

23 COMMISSIONER SCHOENFELDER: I would like to  
24 know -- and this probably isn't true of all companies.  
25 But of the ones you're testifying for at least,

1 ... deploying the technology  
2 ... and what kind of  
3 ... I don't want this to  
4 ... it's been perceived that it  
5 ...  
6 ... I might respond to  
7 ... if there are specific  
8 ... But the issue of  
9 ... under the FCC's  
10 ... restriction and a toll  
11 ... is in the toll control,  
12 ... indicate that the end user  
13 ... control the amount of its  
14 ... restriction automatically  
15 ... to the long distance  
16 ... there is no switch vendor in  
17 ... provides that capability  
18 ... that the vendors are working  
19 ... with a clear conscience  
20 ... that I would expect it will  
21 ... opinion, I would doubt  
22 ... general population within a  
23 ... is the reason I  
24 ... for the one-year period  
25 ... it being available.

1 The second or alternative to that is a  
2 software provisioning of toll control. And, again, to  
3 my knowledge, there is no interface between a software  
4 system and a switch that has that capability.  
5 Primarily because it would take real time rating of a  
6 customer's usage; and because the customer control  
7 switch interexchange carrier it's choosing, there are a  
8 myriad of optional call plans and rate structures that  
9 would be applied. And, to my knowledge, there just is  
10 no technology, nor software, available to carry out  
11 that program.

12 COMMISSIONER SCHOENFELDER: And if I recall  
13 right, it doesn't -- it's not permissive, one or the  
14 other. You really to need to do all of the above.

15 MR. LEE: It includes both, that's correct.

16 COMMISSIONER SCHOENFELDER: I believe some  
17 companies have asked the FCC for clarification, that  
18 sort of thing. And as far as I know, you might have  
19 better information than I do that that decision has not  
20 been handed down by the FCC.

21 MR. LEE: A, I doubt I have better  
22 information; and, B, I agree it has not been handed  
23 down, to my knowledge. There is that clarification  
24 procedure request in front of the FCC.

25 COMMISSIONER SCHOENFELDER: Okay.

1 to my knowledge, everybody  
2 right, from what we've had  
3  
4 trying to define as toll  
5 limitation of toll limitation, yes.  
6 toll blocking is what I  
7  
8 that?  
9 knowledge, that's a true  
10  
11 And I guess my position is to  
12 see, you know, since  
13 I can't see them implying  
14 here. I think it satisfies  
15 no problem giving the full  
16 through FCC, which at  
17 should. So I don't see this  
18 a shorter limit because I  
19 with the ETC  
20 I agree with that and then  
21 the questions the companies have  
22 investigate and will work with  
23 when it does become  
24 to implement it. I think  
25 feel that once it becomes

1 available, it is in the public interest and would be  
2 very supportive of that concept.

3 CHAIRMAN BURG: With that I'll move that we  
4 grant the one-year waiver on toll -- what is it  
5 called? Toll limitation? Toll control?

6 COMMISSIONER NELSON: I'd second.

7 COMMISSIONER SCHOENFELDER: I'm going to  
8 concur with that as long as the motion is understood  
9 that there will be some formal way to limit toll for  
10 these customers just so that everybody understands the  
11 motion.

12 CHAIRMAN BURG: I think in every application  
13 you agreed that you can do toll restriction --

14 MR. LEE: Right.

15 CHAIRMAN BURG: -- if I remember reading the  
16 applications, and that to me is satisfactory.

17 MR. LEE: Thank you.

18 CHAIRMAN BURG: Do you want them as a  
19 separate motion? Okay. I'll also move -- which one do  
20 we need on this one?

21 MS. WIEST: The single party service until  
22 June 1st.

23 CHAIRMAN BURG: I'll move that we grant a  
24 waiver in TC97-081 in the single party requirement  
25 until June 1, 1998.

1 COMMISSIONER NELSON: I'd second.

2 COMMISSIONER SCHOENFELDER: Concur.

3 CHAIRMAN BURG: Any other questions in 081? Do

4 anyone want to go back to 068? It might be easier to go back

5 to 068.

6 CHAIRMAN BURG: I'll go back to 068, and the  
7 motion is to grant the one-year waiver on toll

8 for TC97-075. I'll move that we grant the  
9 waiver for TC97-075.

10 COMMISSIONER NELSON: I'd second.

11 COMMISSIONER SCHOENFELDER: Concur.

12 CHAIRMAN BURG: I'll move we grant the toll

13 waiver for TC97-075. I'll move we grant the waiver for toll

14 limitation. I'll move we grant the toll

15 control. I'm sorry, we have

16 to go back to 068. The FCC did is they call it

17 toll blocking as toll

18 limitation. I'll move we grant the waiver

19 for TC97-075.

20 COMMISSIONER NELSON: Seconded.

COMMISSIONER SCHOENFELDER: Concur.

MS. WIEST: For one year?

CHAIRMAN BURG: Yes.

MS. WIEST: 069.

CHAIRMAN BURG: I'll keep making them. I'll move we grant the toll control waiver in TC97-069 for one year.

COMMISSIONER NELSON: Seconded.

COMMISSIONER SCHOENFELDER: Concur.

MS. WIEST: 070.

CHAIRMAN BURG: I'll move that we grant toll control in TC97-070 for one year, the waiver for one year.

COMMISSIONER NELSON: Second it.

COMMISSIONER SCHOENFELDER: Concur.

MS. WIEST: 171.

CHAIRMAN BURG: I'll move that we grant toll control, the waiver for toll control, in TC97-071 for one year.

COMMISSIONER NELSON: Seconded.

COMMISSIONER SCHOENFELDER: Concur.

MS. WIEST: 073.

CHAIRMAN BURG: I'll move we grant the waiver for toll control in TC97-073 for one year.

COMMISSIONER NELSON: Seconded.

COMMISSIONER SCHOENFELDER: Concur.

CHAIRMAN BURG: I'll move we grant the waiver for toll control in TC97-074 for one year.

COMMISSIONER NELSON: Seconded.

COMMISSIONER SCHOENFELDER: Concur.

CHAIRMAN BURG: I'll move we grant the waiver for toll control in TC97-075 for one year.

COMMISSIONER NELSON: Seconded.

COMMISSIONER SCHOENFELDER: Concur.

CHAIRMAN BURG: I'll move we grant the waiver for toll control in TC97-076 for one year.

COMMISSIONER NELSON: Seconded.

COMMISSIONER SCHOENFELDER: Concur.

CHAIRMAN BURG: I'll move we grant the waiver for toll control in TC97-080 for one year.

COMMISSIONER NELSON: Seconded.

COMMISSIONER SCHOENFELDER: Concur.

CHAIRMAN BURG: We did 81; right, and we are

any further questions on 081?



MR. COIT: We would move for the admission of the ETC request filed by Accent, dated 6-17-97, and Exhibit No. 2, the response to staff data request which is dated 10-8-97.

MS. WIEST: Any objection? If not, 1 and 2 have been admitted. Any questions regarding 083?

CHAIRMAN BURG: I'll move we grant the toll, the waiver for toll control in TC97-083 for one year.

COMMISSIONER NELSON: Seconded.

COMMISSIONER SCHOENFELDER: Concur.

MS. WIEST: TC97-084.

MR. COIT: We move for the admission of the ETC request dated 6-17-97, which is marked Exhibit No. 1, and we move for the admission of Exhibit No. 2, the response to staff data request dated 10-8-97.

MS. WIEST: Are there any objections? If not, they've been admitted.

CHAIRMAN BURG: I'll move we grant the waiver for toll control in TC97-084 for one year.

COMMISSIONER NELSON: Seconded.

COMMISSIONER SCHOENFELDER: I'll concur.

Does this have a single party question on this one?

MS. WIEST: No. They said in their original application that they are offering single party service to all consumers.

COMMISSIONER NELSON: I got a sticky on

right?

in their -- okay.

And the reason he had

in the original

at the original

question number three,

provide single party service to

service area. Number four down

Okay.

you. Okay. Let's go to

move for admitting of Exhibit

dated 6-17-97, and Exhibit No.

request dated 10-10-97.

objections? If not, they've

same question here with

can.

question is available to respond

in this Heartland? Right?

any questions?

asked me to respond on his

land Communications, and

1 MS. WIEST: Single party was offered to all  
2 customers? Any other questions concerning this  
3 docket? Is there a motion?

4 CHAIRMAN BURG: I'll move that we grant the  
5 waiver for toll control to TC97-089 for one year.

6 COMMISSIONER NELSON: I'd second it.

7 COMMISSIONER SCHOENFELDER: Concur.

8 MS. WIEST: 085, I believe.

9 CHAIRMAN BURG: Excuse me, 85.

10 MS. WIEST: TC97-086.

11 MR. COIT: We move for the admission of ETC  
12 request, Exhibit No. 1, dated 6-17-97, and response to  
13 staff data requests, Exhibit No. 2, which is dated  
14 10-10-97.

15 MS. WIEST: Any objections? If not, they  
16 have been admitted. Same question, can you answer  
17 that, Mr. Lee?

18 MR. LEE: I'm sorry, I don't have the  
19 associated companies with the exhibit numbers. Which  
20 company are we referring to?

21 MR. COIT: Midstate.

22 MR. LEE: They are currently all private line  
23 services.

24 MR. COIT: Single party; correct?

25 MS. WIEST: Single party to all customers?

1 MS. WIEST: Single party to all customers?  
2 Any other questions in this

3 docket? I'll move we grant the toll  
4 waiver for one year.

5 COMMISSIONER NELSON: I'd second it.

6 COMMISSIONER SCHOENFELDER: Concur.

7 MS. WIEST: 085, I believe.

8 CHAIRMAN BURG: Excuse me, for the admission of

9 request, Exhibit No. 1, dated 6-17-97, and Exhibit

10 staff data requests, Exhibit No. 2, which is dated

11 10-10-97.

12 MS. WIEST: Any objections? If not, Exhibits

13 are admitted.

14 I'll move we grant toll

15 waiver for one year.

16 COMMISSIONER NELSON: I'd second it.

17 COMMISSIONER SCHOENFELDER: Concur.

18 MS. WIEST: 085, I'd have a question on

19 that.

20 CHAIRMAN BURG: Who is representing Baltic as

21 currently all private

22 line? I should use the right

23 party.

24 MS. WIEST: Single party to all customers?

MR. LEE: Correct.

MS. WIEST: Thank you. TC97-088.

MR. COIT: We move for the admission of Exhibit No. 1, ETC request dated 6-17-97, and response to staff data request, which is Exhibit No. 2, which is dated 10-17-97.

MS. WIEST: Any objections? If not, Exhibits 1 and 2 have been admitted.

CHAIRMAN BURG: I'll move we grant a waiver on toll control in TC97-088 for one year.

COMMISSIONER NELSON: I'd second it.

COMMISSIONER SCHOENFELDER: Concur.

MS. WIEST: Can you answer my question on this one, Mr. Lee?

MR. LEE: Company name, please?

MS. WIEST: East Plains.

MR. LEE: Currently is all single party service.

MS. WIEST: Thank you.

MS. WIEST: TC97-089.

MR. COIT: We move for the admission of Exhibit No. 1, which is the ETC request dated 6-17-97, and the admission of Exhibit No. 2, which is a response to staff data request, dated 10-21-97.

MS. WIEST: Any objections? If not, they've

been

believe that Mr. Lee is... What did they say in

Western Telephone

My question is do they

?

can be a late-filed on that?

do an affidavit on that

I'll move we grant a waiver

for one year.

I'd second it.

Concur.

Let's go on to TC97-090.

move for the admission of

ETC request dated 6-17-97,

the response to staff data

objection? If not, they've

concerning this docket?

I'll move that we grant a

for one year.

I'd second it.

COMMISSIONER SCHOENFELDER: Concur.

MS. WIEST: TC97-092.

MR. COIT: We move for the admission of Exhibit No. 1, which is the ETC request of Kennebec Telephone Company dated 6-18-97, and move for the admission of Exhibit No. 2, which is the response to staff data request dated 10-10-97. And I would note that Mr. Rod Bauer is here to respond to any questions that the Commissioners or staff may have concerning their request.

MS. WIEST: Any questions concerning this docket? If not, do you have a motion?

CHAIRMAN BURG: Did we admit both those?

MS. WIEST: I'm sorry, I did not. I will admit Exhibit Numbers 1 and 2.

CHAIRMAN BURG: I'll move that we grant a waiver on toll control in TC97-092 for one year.

COMMISSIONER NELSON: I'd second it.

COMMISSIONER SCHOENFELDER: Concur.

MS. WIEST: TC97-093.

MR. COIT: We would move for the admission of Exhibit No. 1, which is the ETC request of Jefferson Telephone Company, dated 6-18-97, and move also for the admission of Exhibit No. 2, response to staff data request, which is dated 10-10-97. And I would note

...available to answer any questions request. ...objection to the exhibits? ...Any questions

...I'll move we grant a waiver ...for one year.

...I'd second it.

...COMMISSIONER: Concur.

...TC97-092.

...move for the admission of ...ETC request dated 6-19-97, ...of Exhibit No. 2, which is ...dated 10-15-97.

...objection to Exhibits 1 and ...have been admitted. Do you ...want?

...is available for both

...had a question, I guess, ...because in this one it ...not allow immediate single ...may offer multi-party ...are restored or installed ...service. Has that occurred

1 in the past?

2 A. Currently Sully Buttes Telephone has no  
3 multi-line. The fact is all single party service. I  
4 think they added that language such that if there were  
5 a disaster that they had to respond to, they wanted to  
6 reserve the right to offer party line under the  
7 emergency basis only. But they have for a number of  
8 years been all single party service.

9 MS. WIEST: Any other questions?

10 CHAIRMAN BURG: I'll move we grant a waiver  
11 on toll control for TC97-094 for one year.

12 COMMISSIONER NELSON: I'd second it.

13 COMMISSIONER SCHOENFELDER: Well, I'll  
14 concur.

15 MS. WIEST: TC97-095.

16 MR. COIT: We would move for the admission of  
17 ETC, Exhibit No. 1, dated 6-19-97, and admission of  
18 Exhibit No. 2, response to data request dated  
19 10-15-97. I would point out that I believe that there  
20 might be an issue with respect to single party service  
21 waiver in this case as well.

22 MS. WIEST: Right. At this time are there  
23 any objections to Exhibit 1 and 2? If not, they've  
24 been admitted. Yes. And it would appear they would  
25 need a waiver. And my question for apparently they

1 need a waiver and they plan to  
2 move for that during the 1998  
3 session. My question is  
4 whether or not we need a waiver. Are you  
5 all in agreement?  
6 CHAIRMAN BURG: I would on their behalf.  
7 I would like to be able to respond to  
8 the question so anyway.

9 But that would be correct,  
10 the same June 1 date would be  
11 the same date.  
12 CHAIRMAN BURG: Okay.

13 I'll move we grant a waiver  
14 on toll control on June 1, 1998, in TC97-095.

15 COMMISSIONER NELSON: I would second that.

16 COMMISSIONER SCHOENFELDER: Sure, I'll

17 concur.  
18 CHAIRMAN BURG: And I'll also move that we  
19 have toll control on TC97-095 for one

20 year.  
21 COMMISSIONER NELSON: I'd second it.

22 COMMISSIONER SCHOENFELDER: Concur.

23 MS. WIEST: Okay.

24 I would move for the admission of ETC  
25 Exhibit No. 1, dated 6-19-97, and move for the



1 admission of Exhibit No. 2, response to data request  
2 dated 10-10-97.

3 MS. WIEST: Any objections? If not, they've  
4 been admitted. Any questions concerning this docket?

5 CHAIRMAN BURG: I'll move we grant a waiver  
6 on toll control in TC97-096 for one year.

7 COMMISSIONER NELSON: I'd second it.

8 COMMISSIONER SCHOENFELDER: Concur.

9 MS. WIEST: TC97-097.

10 MR. COIT: We move for the admission of  
11 Exhibit No. 1, ETC request, dated 6-19-97, and Exhibit  
12 No. 2, response to data request dated 10-10-97.

13 MS. WIEST: Any objections? If not, they've  
14 been admitted. Does anybody have any questions  
15 concerning this docket?

16 CHAIRMAN BURG: I'll move we grant a waiver  
17 for toll control in TC97-097 for one year.

18 COMMISSIONER NELSON: I'd second it.

19 COMMISSIONER SCHOENFELDER: Concur.

20 MS. WIEST: TC97-098.

21 MR. COIT: We move for the admission of ETC  
22 request dated 6-19-97, which is marked Exhibit No. 1,  
23 and admission of Exhibit No. 2, which is the response  
24 to data request dated 10-14-97.

25 MS. WIEST: Any objection to Exhibits 1 and

1 been admitted. Are there any  
2 objections?

3 I'll move that we grant a  
4 waiver on toll control in TC97-098 for one year.

5 I'd second it.

6 COMMISSIONER NELSON: Concur.

7 COMMISSIONER SCHOENFELDER: Concur.

8 I'll move for the admission of  
9 Exhibit No. 1, ETC request, dated 6-19-97, and  
10 Exhibit No. 2, which is the response to

11 data request dated 10-14-97.  
12 Any objections? If not, they've  
13 been admitted. Does anybody have any questions

14 concerning this docket?

15 CHAIRMAN BURG: I'll move we grant a waiver  
16 for toll control in TC97-097 for one year.  
17 I'd second it.

18 COMMISSIONER NELSON: Concur.

19 COMMISSIONER SCHOENFELDER: Concur.  
20 I'll move that we grant a waiver on toll control  
21 in TC97-098 for one year.

22 I'd second it.  
23 COMMISSIONER NELSON: Concur.  
24 COMMISSIONER SCHOENFELDER: Concur.

25 I'll move for the admission of Exhibit No. 1,  
26 ETC request, dated 6-19-97, and admission of Exhibit  
27 No. 2, which is the response to data request dated  
28 10-14-97.

1 than this that as manager of the South Dakota  
2 Association of Telephone Co-ops and the daily requests  
3 we've had there that they do, in fact, provide all  
4 single party service throughout Roberts County Co-op,  
5 if that will suffice for your information here.

6 MS. WIEST: Is that sufficient?

7 MS. CREMER: That's sufficient.

8 MS. WIEST: Okay.

9 CHAIRMAN BURG: I'll move we grant a waiver  
10 for toll control in TC97-099 for one year.

11 COMMISSIONER NELSON: I'd second it.

12 COMMISSIONER SCHOENFELDER: Concur.

13 MS. WIEST: TC97-100.

14 MR. COIT: We move for the admission of  
15 Exhibit No. 1, which is the ETC request dated 6-19-97,  
16 and admission of Exhibit No. 2, response to data  
17 request dated 10-9-97.

18 MS. WIEST: Any objection? If not, they've  
19 been admitted. Same question on this one.

20 MR. LEE: I don't know the answer.

21 MR. COIT: There is -- Mr. Lee is not here  
22 representing RC Communications today, so I suspect  
23 we'll have to deal with that with a late-filed exhibit  
24 if that's okay.

25 MS. WIEST: Okay.

1 I'll move we grant a waiver  
2 for one year.

3 MS. WIEST: I'd second it.

4 COMMISSIONER SCHOENFELDER: Concur.

5 MS. WIEST: TC97-101.

6 MR. COIT: We move for the admission of  
7 Exhibit No. 1, which is the ETC request dated 6-19-97,  
8 and admission of Exhibit No. 2, response to staff data request dated  
9 10-9-97.

10 MS. WIEST: Any objection? If not, they've  
11 been admitted. Same questions concerning this docket?

12 MR. COIT: I'll move we grant waiver for  
13 for one year.

14 MS. WIEST: I'd second it.

15 COMMISSIONER SCHOENFELDER: Concur.

16 MS. WIEST: TC97-102.

17 MR. COIT: We move for the admission of  
18 Exhibit No. 1, which is the ETC dated 6-19-97, and  
19 admission of Exhibit No. 2, response to data request  
20 dated 10-9-97.

21 MS. WIEST: Any objections? If not, 1 and 2  
22 have been admitted. Same questions concerning this  
23 docket?

24 MR. COIT: I'll move we grant a waiver  
25 for one year.

COMMISSIONER NELSON: I'd second it.

COMMISSIONER SCHOENFELDER: Concur.

MS. WIEST: TC97-105.

MR. COIT: We move for the admission of ETC request, Exhibit No. 1, dated 6-19-97, and admission of Exhibit No. 2, response to data request dated 10-14-97.

MS. WIEST: Any objection? If not, Exhibits 1 and 2 have been admitted. Any questions concerning this docket?

CHAIRMAN BURG: I'll move we grant a waiver for toll control in TC97-105 for one year.

COMMISSIONER NELSON: I'd second it.

COMMISSIONER SCHOENFELDER: Concur.

MS. WIEST: TC97-108.

MR. COIT: We move for the admission of ETC request, Exhibit No. 1, dated 6-23-97, and the admission of Exhibit No. 2, response to staff data request dated 10-14-97.

MS. WIEST: Any objection? If not, Exhibits 1 and 2 have been admitted. Same question. Can you, Mr. Lee, answer that one? Is that single party service available for --

MR. COIT: For Faith.

MR. LEE: I do not represent them, I'm sorry.

MR. COIT: We would request permission to

I'll move we grant a waiver

for one year.

COMMISSIONER NELSON: I'd second it.

COMMISSIONER SCHOENFELDER: Concur.

MS. WIEST: TC97-111.

MR. COIT: We move for the admission of

Exhibit No. 1, dated 6-25-97, and Exhibit

No. 2, response to staff data request dated 10-9-97.

MS. WIEST: Any objection? If not, they've

asked the same question on this one.

MR. COIT: I'd like to answer. Bill Haugen can

answer that.

MR. COIT: I can answer that.

MR. LEE: Yes, Mr. Haugen, JR.,

being first duly sworn,

testifies as follows:

TESTIMONY

Afternoon.

MR. COIT: I could just like to ask you

if you can provide single party service to all of

your members.

MR. LEE: Single party service is

available in Arnour Independent

1 Telephone Company service area. It has been since the  
2 late seventies.

3 MS. WIEST: Are there any others questions of  
4 this witness? Thank you.

5 CHAIRMAN BURG: I'll move we grant a waiver  
6 for toll control in TC97-113 for one year.

7 COMMISSIONER NELSON: I'd second.

8 COMMISSIONER SCHOENFELDER: Concur.

9 MS. WIEST: TC97-114.

10 MR. COIT: We move for the admission of ETC  
11 request of the Bridgewater-Canistota Telephone Company,  
12 which is dated 6-25-97, that's Exhibit No. 1. And also  
13 move for the admission of Exhibit No. 2, which is  
14 response to data requests of staff dated 10-9-97. And  
15 Mr. Haugen is here as well to respond to any questions  
16 in this docket.

17 MS. WIEST: First of all, any objection to  
18 Exhibits 1 and 2? If not, they've been admitted. And  
19 I would ask the same question.

20 MR. HAUGEN: Single party service is  
21 available to all the customers in the  
22 Bridgewater-Canistota Exchanges.

23 MS. WIEST: Thank you. Any other questions  
24 of this witness?

25 CHAIRMAN BURG: I'll move we grant a waiver

1 for TC97-113 for one year.

2 CHAIRMAN BURG: I'd second it.

3 COMMISSIONER SCHOENFELDER: Concur.

4 MS. WIEST: TC97-115.

5 CHAIRMAN BURG: I would move the admission of  
6 request of Union Telephone  
7 Company, dated 6-25-97, and Exhibit No. 2, response to  
8 data requests of staff dated 10-9-97.

9 MS. WIEST: Any objection? If not, Exhibits  
10 1 and 2 have been admitted. And I would ask the same  
11 question.

12 MR. HAUGEN: Single party service is  
13 available to all the customers in the Union Telephone  
14 Company, dated 6-25-97, and Wall Lake Exchanges,  
15 dated 6-25-97, late seventies.

16 MS. WIEST: Thank you. Any other questions  
17 of this witness?

18 CHAIRMAN BURG: I'll move we grant a waiver  
19 for TC97-115 for one year.

20 CHAIRMAN BURG: I'd second it.

21 COMMISSIONER NELSON: Concur.

22 CHAIRMAN BURG: Yes. TC97-117.

23 CHAIRMAN BURG: I would move for the admission of  
24 request of Union Telephone Company, dated 6-30-97, and Exhibit  
25 No. 2, response to data requests dated 10-14-97.

1 MS. WIEST: Any objection? If not, Exhibits  
2 1 and 2 have been admitted. Any questions concerning  
3 this docket?

4 CHAIRMAN BURG: I'll move we grant a waiver  
5 for toll control in TC97-117 for one year.

6 COMMISSIONER NELSON: I'd second it.

7 COMMISSIONER SCHOENFELDER: Concur.

8 MS. WIEST: TC97-121.

9 MR. COIT: We move for the admission of  
10 Exhibit No. 1, the ETC request of Kadoka, dated 7-3-97,  
11 and the admission of Exhibit No. 2, response to data  
12 requests dated 10-28-97.

13 MS. WIEST: Any objections to Exhibits 1 and  
14 2? If not, they've been admitted. Any questions  
15 concerning this docket?

16 CHAIRMAN BURG: I'll move we grant a waiver  
17 for toll control in TC97-121 for one year.

18 COMMISSIONER NELSON: I'll second it.

19 COMMISSIONER SCHOENFELDER: Concur.

20 MS. WIEST: TC97-125.

21 MR. COIT: We'd move for the admission of ETC  
22 request, Exhibit No. 1, dated 7-7-97, and Exhibit No.  
23 2, response to data request of staff, which is dated  
24 10-29-97.

25 MS. WIEST: Any objection to Exhibits 1 and

1 MS. WIEST: Any objections? Any questions

2 MS. WIEST: I'll move we grant a waiver  
3 for toll control in TC97-125 for one year.

4 COMMISSIONER NELSON: I'd second it.

5 COMMISSIONER SCHOENFELDER: Concur.

6 MS. WIEST: TC97-125.

7 MR. COIT: We move for the admission of  
8 ETC request dated 7-10-97, and  
9 response to data request dated  
10 10-14-97.

11 MS. WIEST: Any objection to Exhibits 1 and  
12 2? If not, they've been admitted. Any questions

13 MS. WIEST: I'll move we grant a waiver  
14 for toll control in TC97-125 for one year.

15 COMMISSIONER NELSON: I would second it.

16 COMMISSIONER SCHOENFELDER: Concur.

17 MS. WIEST: TC97-125.

18 MR. COIT: We'd move the admission of ETC  
19 request dated 7-10-97, and  
20 response to data request dated 10-14-97.

21 MS. WIEST: Any objection to Exhibits 1 and  
22 2? If not, they've been admitted. Any questions

23 MS. WIEST: Any objection to Exhibits 1 and



1 CHAIRMAN BURG: I'll move we grant a waiver  
2 for toll control in TC97-131 for one year.

3 COMMISSIONER NELSON: I'd second it.

4 COMMISSIONER SCHOENFELDER: Concur.

5 MS. WIIST: TC97-154.

6 MR. COIT: We would move into the record  
7 Exhibit No. 1, the ETC request, dated 9-10-97, and also  
8 Exhibit No. 2, the response to data request dated  
9 10-16-97.

10 MS. WIEST: Any objection to Exhibit 1 and  
11 2? If not, they have been admitted. Let's see, on  
12 this one this was one of a couple that no time period  
13 was requested for the waiver. I assume you still want  
14 the one year?

15 MR. COIT: Mr. Barfield is here. He could  
16 respond. He's Mr. Bob Barfield, manager for West  
17 River.

18 MS. WIEST: They request a waiver but this is  
19 one of the few ones that didn't ask for one year, as  
20 far as I can see, or any time period. So I was  
21 wondering if there was any different time period that  
22 was being requested.

23 **BOB BARFIELD,**

24 called as a witness, being first duly sworn,  
25 was examined and testified as follows:

1 **CHAIRMAN BURG:**  
2 In response to your question,  
3 we have a date, as far as we  
4 know this, that's the reason  
5 for the time period on the waiver.  
6 We will need a time period.  
7 We can be willing to accept the  
8 time period being granted to other

9 time periods. We sure would.

10 **CHAIRMAN BURG:** And I think the thought  
11 is that if there isn't any solution, then it  
12 would be a request. With that, I'll move  
13 that we grant toll control in TC97-154 for  
14 one year.

15 **COMMISSIONER NELSON:** I would second it.

16 **COMMISSIONER SCHOENFELDER:** Concur.

17 **CHAIRMAN BURG:** We go to TC97-155.

18 **CHAIRMAN BURG:** We would request admission of  
19 Exhibit No. 1, the ETC request of Nobridge  
20 dated 9-10-97, and also  
21 Exhibit No. 2, the response to data request  
22 dated 10-16-97.

23 **CHAIRMAN BURG:** Any objection? If not, Exhibits  
24 1 and 2 are admitted. And I would have the same

1 question with respect to the length of the waiver.

2 MR. BARFIELD: And the response would be the  
3 same. We would ask for a year on the waiver.

4 MS. WIEST: Thank you. Any other questions?

5 CHAIRMAN BURG: With that I'll move that we  
6 grant a waiver on toll control in TC97-155 for one  
7 year.

8 COMMISSIONER NELSON: I'd second it.

9 COMMISSIONER SCHOENFELDER: I concur.

10 MS. WIEST: Thank you. Let's skip to  
11 TC97-167.

12 MR. COIT: I would just note that Three River  
13 Telco is not an SDITC member company, so I'm not really  
14 here today to represent Three River Telco.

15 MS. WIEST: Nobody is here?

16 CHAIRMAN BURG: Do we have any questions on  
17 it, or do we have to have representation?

18 MS. WIEST: Somebody needs to move it in.

19 MR. COIT: Well, if you're looking for a  
20 body, I guess I can serve as the body.

21 MS. CREMER: Otherwise, I can move to admit  
22 the two exhibits, Number 1, 10-10-97, the request for  
23 ETC, and 11-7-97, the amended -- oh, I'm sorry, that's  
24 U S West. Let me try that again. 10-16 of '97 is the  
25 request and 11-13-97 is the amended request, and I

1 ... moved in.

2 ... question? If not, they've  
3 ... questions concerning this  
4 ... application does  
5 ... for toll control.

6 ... isn't a question on the  
7 ... is there?

8 ... I'll vote we grant a waiver  
9 ... for one year.

10 ... I'd second.

11 ... Concur.

12 ... this time did you want to go  
13 ... going to speak to these

14 ... finish up these first.

15 ... 1 WAS MARKED FOR

16 ...

17 ... being first duly sworn,

18 ... testified as follows:

19 ...

20 ...

21 ... same for the record,

1 please.

2 A. Harlan Best.

3 Q. And what is your job?

4 A. I am deputy director of fixed utilities for  
5 the Public Utilities Commission, South Dakota.

6 Q. And have you been present in the hearing room  
7 this afternoon for the hearing on these applications?

8 A. Yes.

9 Q. And have you had the opportunity to review  
10 the caption in the notice of this hearing which lists  
11 the cases which are before the Commission on this date?

12 A. Yes.

13 Q. And are you familiar with the applications in  
14 each of these cases?

15 A. Yes.

16 Q. As a part of your job, have you reviewed  
17 those applications?

18 A. Yes, I have.

19 Q. You have before you an exhibit numbered  
20 Staff's No. 1; is that correct?

21 A. Yes.

22 Q. And is that an exhibit that you prepared in  
23 the course of your duties?

24 A. Yes, it is.

25 Q. Just briefly explain to the Commission,

1 please, explain this exhibit.

2 This exhibit is across the top of the page, and it is across  
3 the top of the page, and it is across the top of the page, and it is  
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MS. WIEST: Is there any objection?

MR. COIT: My comment would be that I just received this so I haven't had an opportunity to go through to make sure this is all accurate. I guess I can take Mr. Best's word that it is accurate and I'll have to do that, I guess. Other than that, I don't have any comment.

MS. WIEST: Do you want an opportunity to look it over?

MR. COIT: Well, it might take me a while, so I don't have any objection.

MS. WIEST: Okay. Then Staff Exhibit No. 1 will be admitted into all of the dockets that we have gone through so far.

MR. HOSECK: Okay. Thank you.

Q. Based on the review of these dockets that you have done and relying to whatever extent you may on Staff's Exhibit No. 1, did the applicant companies meet the requirements of becoming an eligible telecommunications carrier?

A. Yes, they have, with the noted late-filed affidavits that will be done in a number of the dockets.

Q. And with regard to advertising services exchange-wide, do you have a recommendation to the

to be included in an order on advertising services proceedings?  
I have a recommendation for advertising services exchange-wide. Do you have any rate questions? And if they have any rate questions, should they be advertised when it comes to the exchange-wide?

MS. WIEST: So you have an opinion as to whether or not the applicants contained on Exhibit No. 1, Staff Exhibit No. 1, which has not had its requirements met, whether or not those companies are eligible as an eligible telecommunications carrier?

MR. HOSECK: I know that has been undertaken, and I know that there are requirements for ETC status. I don't have any further questions of

MS. WIEST: Do you have any questions of this kind?

# RECOMMENDATION

MS. WIEST: You talked about advertising services exchange-wide, referencing the rates just for the exchange-wide that are supported by universal service funds.

1 A. Yes.

2 MR. COIT: No further questions.

3 MS. WIEST: Ms. Rogers?

4 MS. ROGERS: No, no questions.

5 MS. WIEST: Mr. Heaston?

6 MR. HEASTON: No.

7 CHAIRMAN BURG: The only question I'd have is  
8 there any -- is advertising identified in any way? Is  
9 there any criteria for what advertising means in the  
10 context of this? Is the methods in the FCC Order as  
11 well?

12 MS. WIEST: I'm sorry, what was the  
13 question?

14 CHAIRMAN BURG: The question I had for Harlan  
15 or anybody else is, is there a meaning, is there a  
16 description, definition for advertising, what that  
17 constitutes?

18 MS. WIEST: Under the statute itself  
19 214(e)(1)(B) they must advertise the availability of  
20 such services and if you're referring to the services  
21 that are supported by federal universal service and the  
22 charges therefore using media of general distribution.

23 CHAIRMAN BURG: Okay. I think that satisfies  
24 me.

25 COMMISSIONER NELSON: Does that mean for

1 have to advertise this

2 would be under staff's

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1 A. Yes. They would do it originally, and once a  
2 year after.

3 MS. WIEST: How would they advertise?  
4 Where?

5 A. Where would they advertise?

6 MS. WIEST: Yes.

7 A. Whatever general distribution it meets  
8 according, I assume, it means newspapers and those  
9 types of publications.

10 MS. WIEST: So it could be any type of  
11 general distribution media once a year?

12 A. Whatever is available within their given  
13 exchanges that they serve.

14 MS. WIEST: And it would only be for those  
15 services supported right now by federal universal  
16 service?

17 A. Yes.

18 MS. WIEST: And every time they changed a  
19 rate for one of those services, then that would have to  
20 be re-advertised at that time?

21 A. Yes.

22 MS. WIEST: Are there any other questions of  
23 this witness? If not, thank you. Actually, I do.  
24 Could you retake the stand, Harlan? I guess we have a  
25 question for you. Could you look at your exhibit for

1 MS. WIEST: Exhibit 100-1000?

2 A. Yes.  
3 MS. WIEST: That's the answer to number four.  
4 A. Yes. And grant them a waiver  
5 that they can have single party service  
6 without a waiver?  
7 A. Yes.

8 MS. WIEST: That would be incorrect there,  
9 A. Yes.  
10 MS. WIEST: That's a clarification there to it, yes.

11 A. Yes. Thank you. Do you have  
12 any other questions?

13 MS. WIEST: That's all I have. That's all I have.

14 MS. WIEST: And you want to take a short break  
15 now?

16 A. Yes.  
17 MS. WIEST: Does the Commission -- are  
18 you going to rule on all of these  
19 questions?

20 A. Yes. That's why we're taking a short  
21 recess.

22 MS. WIEST: (SHORT RECESS WAS TAKEN.)

23 MS. WIEST: We've got started again. And we  
24 have a question for you.

25 MS. WIEST: And I would move admission of

1 Exhibit 1, which is the request, and Exhibit 2, which  
2 is the amended request, and Exhibit 3, which is the  
3 service territory map. That's Exhibit 1, 2 and 3  
4 respectively in the docket.

5 MS. WIEST: Any objection to Exhibits 1, 2  
6 and 3? Do you have a copy of the service territory  
7 map? Are there any objections to Exhibits 1, 2 and 3?  
8 If not, they've been admitted. You may proceed,  
9 Mr. Heaston.

10 MR. HEASTON: We would also join in the  
11 motion on the toll control. The reason we did not seek  
12 a waiver in the initial application is because as I  
13 read Paragraph 388 of the Order in the DA 97-157  
14 indicated that toll blocking would be sufficient in the  
15 meantime and it was dependent upon when you upgraded  
16 switches. And so we do not feel we need a waiver of  
17 toll control, but the common wisdom seems to be there  
18 needs to be a waiver, so we will follow the herd here  
19 and request the toll control waiver also.

20 And we are also one of the parties to the  
21 request of the FCC to reconsider the toll limitation,  
22 that this includes both toll blocking and toll  
23 control. And I guess we would also point out that with  
24 the implementation of number portability that is going  
25 to impact toll control somewhat significantly. And so

1 I would hold in his observation  
2 that it's going to happen,  
3 and we have a time limit on it, but we  
4 have one year with the  
5 ability to not the ability to  
6 that is too expensive to  
7 be able to come back to this  
8 waiver of that, of  
9 with part of the essential  
10 obligation.

11 Would the Commissioners --  
12 did we admit the exhibits?

13  
14 I'll move that we waive toll  
15 control for one year.

16 MR. HEASTON: Well, I'm going to  
17 give you an expansion of what we've been  
18 asking for, giving them one year with the  
19 ability to not it. And the reason I was  
20 asking for technology is not out  
21 there that it be there and it  
22 how much it cost. So I  
23 one of the reasons we were  
24 because that it might be  
25 because technology wasn't

1 there. I can understand why technology wasn't there,  
2 but I didn't -- I wasn't in Congress when they voted  
3 that was part of the Act.

4 MR. HEASTON: It's not part of the Act. I  
5 guess that's the first thing. It's an FCC --

6 COMMISSIONER NELSON: It's a rule.

7 MR. HEASTON: It's an FCC dictate.

8 COMMISSIONER NELSON: But it has the same  
9 weight as the rules and statute unless it's changed in  
10 court; right?

11 MR. HEASTON: That's true. But unless the  
12 FCC changes, as we've urged them to do.

13 COMMISSIONER NELSON: Right. So I'm  
14 seconding your motion with the understanding it's  
15 exactly as we had stated it originally; is that  
16 correct?

17 CHAIRMAN BURG: I mean the motion was for one  
18 year.

19 COMMISSIONER SCHOENFELDER: I believe the  
20 motion was for one year, a waiver for one year, and I  
21 didn't know that the motion had anything more than  
22 that, than just a waiver from toll control for one  
23 year.

24 CHAIRMAN BURG: It doesn't.

25 COMMISSIONER SCHOENFELDER: Then I'll concur.

1 MR. HEASTON: All I'm saying, though,  
2 there will be a record that I  
3 voted for it was the  
4 And that's a lot  
5 It's most prohibitive.  
6 COMMISSIONER NELSON: I think --  
7 MR. HEASTON: Not that that wouldn't  
8 be something you could debate. I don't  
9 see anything about something for a  
10 year.  
11 MR. HEASTON: Just a comment that I'd make  
12 as to whether it's a technology, I really  
13 don't see any filings just for an  
14 and some way we could certify there  
15 is a solution as we come up towards  
16 that point of solution rather than go  
17 through a lot of them. I, personally, in  
18 as far as a solution when we're going to  
19 have a solution in number portability. It  
20 doesn't seem that's even going to happen  
21 that's a kind of toll  
22 I don't see when we come up to the  
23 year, we're going to have a solution, and I'm  
24 not sure about all of you -- I mean  
25 that's a lot to file that many

1 pieces of paper. So if we can find a way to  
2 consolidate it at that time, I would welcome any  
3 suggestions. That's all I have.

4 MR. HEASTON: I have Mr. Lehner available  
5 here, and we do have a couple questions to ask him.

6 JON LEHNER,

7 called as a witness, being first duly sworn,  
8 was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MR. HEASTON:

11 Q. Mr. Lehner, in our application we described  
12 the issue of eliminating multi-party services and going  
13 to single party service throughout U S West service  
14 areas. Can you update the Commission on the status of  
15 that consistent with what we've already put in the  
16 application?

17 A. Yes. As of October 31 of this year the  
18 number of multi-party or two- and four-party customers  
19 in U S West's territory is 612. 612.

20 CHAIRMAN BURG: What was the date on that,  
21 Jon?

22 A. As of 10-31-97.

23 Q. And what can you tell the Commission about  
24 our continuing effort to eliminate the multi-party  
25 service?

1 our goal is to eliminate all of  
2 multi-party services. And the time frame  
3 is the end of the second quarter,  
4 which would be for a date of 6-30 of  
5 1998. That work will be completed by 6-30

6 of 1998. Are there any remaining 52?

7 A. Yes, there are extremely high cost  
8 multi-party services. Technology or other means  
9 are being developed. We have no plans right now. We  
10 are not working with those 52.

11 Q. Would you still believe that it is  
12 appropriate for us still believe the waiver is  
13 appropriate? Is that correct?

14 A. Yes.  
15 Q. That's all the questions I

16 have for you today.  
17 Thank you.  
18 Q. Do you have any questions?

19 A. No.  
20 EXHIBITATION

21 Q. Where are those 52 located? Are  
22 they in a specific area,  
23 or are they scattered?

24 A. They are scattered off for you. There's about  
25 a hundred. I would give you a late-filed

1 exhibit. Let me just read them off. Arlington is  
2 four; Belle Fourche, six; De Smet, four; Huron, three;  
3 Lake Preston, one.

4 COMMISSIONER NELSON: Do you want to start  
5 over?

6 A. Arlington, four; Belle Fourche, six; De Smet,  
7 four; Huron, three; Lake Preston, one; Madison, two;  
8 Milbank, four; Pierre, two; Redfield, two; Sisseton,  
9 six; Spearfish, two; Volga, five; Watertown, ten;  
10 Yankton, one.

11 Q. Is there a particular reason? Is it like  
12 Anaconda line or something?

13 A. It's a combination of many factors, but you  
14 mean as far as the 52 are concerned?

15 Q. Yes.

16 A. It's a combination of many factors. We're  
17 talking about feeder distribution, we're talking about  
18 in some cases a PAIR GAIN systems like Anaconda that  
19 would need to be replaced.

20 MS. CREMER: Okay. That's all the questions  
21 I have.

22 CHAIRMAN BURG: Have you investigated any  
23 other technical solutions other than to a single party  
24 other than line extension?

25 A. You mean in order to provide a single party

1 ...  
2 ...  
3 ...  
4 ... the answer is we are constantly  
5 ... do this because in some  
6 ... talking about over \$100,000  
7 ... and it just doesn't make  
8 ... would seem to lie  
9 ... wireless, but so far the  
10 ... whether then satellite or fixed  
11 ... expensive. I see that as  
12 ... enough, to some of these.  
13 ... I'm going to move to grant

14 ... a second. Do the  
15 ... other questions? As opposed to  
16 ... to have to ask you some  
17 ... that were in the application  
18 ... by Mr. Neaston. It wasn't  
19 ... an affidavit, as all the  
20 ... with me for a second.

21 ... his signature either.  
22 ... one, does U S West provide  
23 ... the public switched network to  
24 ...  
25 ...





1 A. Yes.

2 MS. WIEST: And in the FCC's public notice  
3 96-45 issued 9-29-97, it does state that we must send  
4 to USAC the names of the ETC's and the designated  
5 service areas for nonrural carriers no later than  
6 December 31st, 1997. And I know you made some  
7 reference to these things in your application, but I  
8 don't think you really told us what you want your  
9 service area to be. Because the FCC has told us that  
10 we better not adopt your study area as your service  
11 area for large ILEC's. Do you have service areas for  
12 your company that you want the Commission to adopt at  
13 this time?

14 A. Well, I suppose that -- and, Bill, jump in  
15 here, I guess, to help me with this. But I suppose  
16 that our service area ought to be our exchanges in the  
17 state of South Dakota. Now, the study area is a  
18 different issue and that has not been determined yet.  
19 But I would think that our service area would be our  
20 exchanges that we serve in the state of South Dakota.

21 MR. HEASTON: If I may from a legal  
22 standpoint, there is no definition yet; and certainly  
23 our service area would be those areas within which we  
24 are authorized to provide the supported services.

25 MS. WIEST: Right. And that's my question.

1 from a general perspective, I  
2 think the thing that we're looking for is what you  
3 think the service area should be. It's not be anything  
4 that's authorized or certified to  
5 be a service area. It's where the areas are  
6 that we're looking for where the services would be  
7 provided. It's a service fund, whether it's  
8 a library or whatever it  
9 is. That's an area that's  
10 depending upon which proxy cost  
11 we're looking at. And so that's why we  
12 use that term because what this  
13 term is, it's not has the FCC come out  
14 with a model as to what model it is going to  
15 use. We're required to take a look at  
16 it from the standpoint of  
17 the law. If that's what  
18 the FCC requirement.  
19 I would look at is an area,  
20 which we would  
21 have an exchange area. And we  
22 have that.  
23 How many exchanges do you  
24 have on the list we submitted.  
25

1 A. I can't answer that exactly. It's  
2 approximately 35.

3 MS. WIEST: It would be attached?

4 MR. HEASTON: It's on our exhibit to our  
5 application.

6 MS. WIEST: So however many with the  
7 amendment the three that were missed. That's how many  
8 service areas you would like the Commission to  
9 designate for U S West at this time?

10 A. I guess I'm not sure whether we would want to  
11 designate each exchange.

12 MS. WIEST: My problem is we are supposed to  
13 tell the FCC by December 31st what your designated  
14 service area is.

15 A. Then I suppose we ought to do it exchange by  
16 exchange.

17 MS. WIEST: If you want more time to think  
18 about it --

19 MR. HEASTON: Yes, I think I would. I mean  
20 this is not something that's come up in the other two  
21 states that I've done this in, and I had the same basic  
22 application. I will have to -- I will do a late-filed  
23 exhibit on that if I could with an affidavit from Jon.

24 MS. WIEST: Okay.

25 MR. HEASTON: What are you relying on again,

3 I'm relying on what as far as the FCC's  
4 records are concerned, 25-45 DA 97-1492 issued

5 I'm also relying on  
6 the fact that we're also relying on  
7 the fact that the FCC's universal service  
8 order, 178.

9 I'm also relying on --  
10 I'm also relying on --  
11 I'm also relying on --  
12 I'm also relying on --

13 I'm also relying on the docket number for the FCC

14 I'm also relying on the docket number but the  
15 I'm also relying on the docket number

16 I'm also relying on the docket number, I was looking at 185, 192

17 I'm also relying on the docket number, I was looking at 185, 192  
18 I'm also relying on the docket number, I was looking at 185, 192

19 I'm also relying on the docket number, I was looking at 185, 192  
20 I'm also relying on the docket number, I was looking at 185, 192

21 I'm also relying on the docket number, I was looking at 185, 192  
22 I'm also relying on the docket number, I was looking at 185, 192

23 I'm also relying on the docket number, I was looking at 185, 192  
24 I'm also relying on the docket number, I was looking at 185, 192

25 I'm also relying on the docket number, I was looking at 185, 192

1 require an ILEC to serve areas other than they have not  
2 traditionally served.

3 MR. HEASTON: Yes. And, see, this -- what  
4 the problem this causes is where you have not  
5 considered and have left to the FCC to determine how  
6 that's going to be modeled from a proxy standpoint.  
7 And, yes, we are advocating smaller geographic elements  
8 than the wire center for universal high cost support  
9 but I do not have a South Dakota specific look because  
10 this Commission decided not to do their own earlier  
11 this -- a couple months ago, as opposed to Wyoming and  
12 North Dakota where I do have that because those two are  
13 looking at doing their own, or suggesting their own  
14 cost study. So I do have the small grids, as we call  
15 it, and I could identify that for you. I cannot  
16 identify anything smaller than right now than a wire  
17 center.

18 MS. WIEST: Okay.

19 MR. COIT: Excuse me, may I comment briefly  
20 on this? And I understand that I'm not a party but I  
21 do believe it was my understanding today that the whole  
22 issue of disaggregated service areas for U S West or  
23 any other company may come up. But I would like to say  
24 we certainly have an interest in the issue. And I  
25 think that the FCC rules indicate that -- the orders

1 -- were changing an existing  
2 -- at the state level  
3 -- consistent with universal  
4 -- I think it's a really  
5 -- more than the review of  
6 -- obligations. You're  
7 -- as a U S West service area  
8 -- the level of support it  
9 -- universal service fund.  
10 -- area disaggregation and  
11 -- rural telephone  
12 -- going into this  
13 -- understanding that there are  
14 -- LSC service areas, and we  
15 -- that we -- that the issue  
16 -- of the other ones would  
17 -- service areas.  
18 -- not talking about  
19 --. And I think you have to  
20 -- that was made between  
21 -- with respect to service  
22 -- doing anything to rural  
23 -- disaggregation, we have to  
24 -- the FCC. That's all I'm talking  
25 -- why I only brought up this

1 issue with respect to U S West. And it's just my  
2 understanding the Commission does have to do the  
3 service area in order for U S West to get your  
4 universal service money.

5 MR. HEASTON: If I could have until whatever  
6 date was suggested earlier on getting the additional  
7 affidavits in, I'll have a recommendation for you from  
8 U S West on that.

9 MS. WIEST: Okay. Are there any other  
10 questions of this witness? One more question,  
11 Mr. Lehner. Do you have any observation to what  
12 Mr. Best suggested as advertising requirements for your  
13 company?

14 A. I'm not sure that I understood exactly what  
15 he was requiring. If the requirement is to advertise  
16 it once a year in the newspaper, I don't think we have  
17 a problem with that.

18 MS. WIEST: And getting back to single party  
19 service is high cost, the only barrier is to provide  
20 single party service to those 52 customers?

21 A. Yes.

22 MS. WIEST: Is it also U S West's position  
23 that the settlement agreement that you've stated is  
24 suspended concerning single party service no longer  
25 applies where I believe you stated you would have

1 to get 52 customers by the year 2000?  
2 If the settlement program continued, I  
3 would be talking to the staff and to  
4 the customers as we honed down to  
5 the specifics of these exchanges, it  
6 would be a good idea -- this is foolish to  
7 not to move with the current technology.

8 That's all I have. Mr. Heaston,  
9 I would address the question of whether  
10 the Commission has authority to provide any de  
11 termination to a single party without putting  
12 the party through a hearing.

13 A. I don't know that de minimus is  
14 the standard that you could put a time  
15 limit on. It's reasonable that we would have to  
16 establish a rule would allow you to do  
17 that as a regularly-scheduled  
18 hearing, semi-annually, to update  
19 the technology in taking  
20 that would be my position on  
21 that. I would limit on and it makes it  
22 difficult to assess the affordability of it.  
23 Any other questions?

24 MS. WIEST: I have a question



1 of Mr. Lehner. And the reason I have a question is  
2 because in your amended application you might have  
3 addressed it, however, I don't have a copy of that and  
4 I apologize. But you addressed in here and you have an  
5 exhibit on your original application that regards  
6 Lifeline, Link Up. And basically what it is it's your  
7 tariff, or a page that looks like a tariff page to me.  
8 Now, U S West really intends to comply with the  
9 Commission order in Lifeline, Link Up?

10 A. Absolutely.

11 COMMISSIONER SCHOENFELDER: I need to know  
12 that.

13 A. And that page doesn't apply any more.

14 COMMISSIONER SCHOENFELDER: Thank you.

15 MS. WIEST: Any other questions? Thank you.

16 COMMISSIONER NELSON: I guess I have a  
17 question. You know, you -- when you were talking about  
18 why you shouldn't have to provide this single party  
19 systems for these areas that you listed like Spearfish  
20 and Pierre and all the list that you went through --

21 A. Yes.

22 COMMISSIONER NELSON: Why would it -- it just  
23 seems weird to me that it would be that expensive to  
24 provide those services in some areas. Like Pierre and  
25 Huron, those are pretty -- I mean can you explain that

1 I find that a little odd.  
2 We're talking about in many  
3 cases, we're talking about  
4 probably back in the  
5 multi-party service with no  
6 multi-party service. So we're  
7 miles of distribution  
8 pair, maybe even greater  
9 about now having to replace  
10 pair or a hundred pair  
11 about many cases where  
12 we have to extend what some  
13 what I call a pair of wires,  
14 and in order to provide  
15 well, I take that back in that  
16 that will be okay. I was  
17 more than one line. But we're  
18 cable, we're talking about  
19 in some cases about PAIR GAIN  
20 full. I'm talking about  
21 like Anaconda that are going  
22 It's expensive.  
23 COMMISSIONER NELSON: I guess in my mind it  
24 I didn't exactly  
25 we were just explaining to me

1 because I was thinking maybe these lines had to be run  
 2 out miles and miles and miles and there's nobody out  
 3 there or something. But if this is in a fairly  
 4 populated area, and it doesn't seem to me that these  
 5 people should have to live with just two party  
 6 telephone system when most of the world doesn't, as we  
 7 know it in South Dakota, doesn't have to do that  
 8 because the lines are all filled up. I mean I'm  
 9 looking for some reason why that's acceptable,  
 10 especially when some of those little companies are  
 11 saying that they got maybe three or four people left  
 12 that they don't have that service for and they've made  
 13 every effort to say, well, we want a waiver but we will  
 14 do it by the end of the year or whatever.

15 A. I think that most of the companies you've  
 16 been listening to up until now -- and I obviously can't  
 17 speak for them, but I think you're talking about  
 18 engineering that was done probably 15, 20 years ago in  
 19 most of these companies' cases where they at the time  
 20 spent the money to do that. We did not do that. We  
 21 provided distribution systems that were literally  
 22 designed not to provide single party service. There  
 23 are different funding mechanisms and different  
 24 requirements that we've had. They've had the ability  
 25 to spend that kind of money and recover it. Now, I can

2 recover it or \$5,000, whatever it is,  
 3 that has to be recovered and  
 4 recovered from a customer. That  
 5 is the way for that.

6 Q. Now, it seems to me this  
 7 is what the governor's bill said last  
 8 year -- making available high  
 9 speed service in South Dakota. Basically  
 10 we're talking here some  
 11 companies to have single party

12 service in the state.  
 13 A. The only thing I can tell you is what the  
 14 bill says -- I think that's, unless  
 15 otherwise stated, it would make no sense to  
 16 have single party service and I certainly wouldn't

17 have single party service. The question I have in the  
 18 bill is whether these kind of situations once  
 19 in a while -- provider that is closer that  
 20 than the case to any of these?  
 21 Would that be a solution ever?

22 Q. Now, Commissioner, if there  
 23 is a company that would like to serve  
 24 and be happy to negotiate.  
 25 A. I think maybe when we're down

1 to 52, we ought to get a list of those names and see if  
 2 we could work it out. I share what Counsel has said.  
 3 I'm not sure we can make the exception. I know that  
 4 U S West's counsel has given us what I call a short  
 5 term one, that in other words, we could give the waiver  
 6 for a limited period of time, but I don't know that's  
 7 an indefinite solution and we probably ought to work --  
 8 look at working together to meet and find the solution  
 9 to meet the FCC rules I think if we can. But so many  
 10 -- maybe, I guess, what I would like to request is the  
 11 actual name and location of those 52 filed at some  
 12 time. I don't care whether it's part of this docket or  
 13 not.

14 A. I think that can be provided.

15 MS. WIEST: Any other questions? If not,  
 16 thank you.

17 CHAIRMAN BURG: I suppose we do need some  
 18 type of waiver in order to grant them an ETC status.

19 MS. WIEST: Sorry, for which now?

20 CHAIRMAN BURG: For single party.

21 MS. WIEST: At this time staff has a witness  
 22 on this case first.

23 MS. CREMER: Staff would call Harlan Best.

24 HARLAN BEST,

25 called as a witness, being previously sworn,

1 I have been duly sworn and testified as follows:

2 I, **CHARLES E. LEHNER**, do hereby declare under oath that I am the analyst assigned to

3 the above-captioned matter.

4 I have read the application by U S West for a waiver of the FCC rules regarding the

5 application by U S West for a waiver of the FCC rules regarding the

6 application by U S West for a waiver of the FCC rules regarding the

7 application by U S West for a waiver of the FCC rules regarding the

8 application by U S West for a waiver of the FCC rules regarding the

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18 application by U S West for a waiver of the FCC rules regarding the

19 application by U S West for a waiver of the FCC rules regarding the

20 application by U S West for a waiver of the FCC rules regarding the

MS. WIEST: Any questions, Ms. Wilka?

MS. WILKA: No questions.

MS. WIEST: Commissioners?

CHAIRMAN BURG: The question I'd have is based on that, should we not -- I mean is this -- what do I call it? Is this a document that is filed in these hearings?

MS. CREMER: Yes.

CHAIRMAN BURG: I guess I think we ought to correct that exhibit to put no on each of those that we've made a waiver for on the single party because I believe the answer is no and we've made a waiver to satisfy that.

MS. CREMER: Okay.

CHAIRMAN BURG: Since that's filed.

COMMISSIONER SCHOENFELDER: We have not moved for a waiver in that area, have we?

CHAIRMAN BURG: Yes, for six months on one other company.

MS. WIEST: We have two single party waivers so far, but U S West we haven't moved yet; right?

CHAIRMAN BURG: But if we do and for any we do, since he's a witness on the stand and this is his document, I think that this document should be corrected to reflect, no, they do not meet that to

what we've given.

MS. WIEST: Yes, I guess.

CHAIRMAN BURG: I guess I don't know. What do you want to see that correction is made? I believe there are three single party waivers this time provide single party waivers. What we have to do is change that to include Bellcore, Venture, and U S West; and the testimony on the

And the testimony on the single party waivers to accomplish that?

MS. WIEST: Yes, I guess.

CHAIRMAN BURG: Okay. That's all I

MS. WIEST: Yes, I guess.

CHAIRMAN BURG: So how many wire centers does U S

MS. WIEST: Yes, I guess.

CHAIRMAN BURG: Yes, I guess.

MS. WIEST: Yes, I guess. Thank you. Any other

MS. WIEST: Yes, I guess.

CHAIRMAN BURG: Yes, I guess.

MS. WIEST: Yes, I guess. Would you like to admit this

MS. WIEST: Yes, I guess. Of this docket? Before I only

MS. WIEST: Yes, I guess. Dockets.

CHAIRMAN BURG: Yes, I guess. I wasn't going to move

MS. WIEST: Yes, I guess. People testified to it, so I

1 didn't really need it in mine. But I can certainly  
2 move it.

3 MS. WIEST: It's up to you.

4 MS. CREMER: We don't need it in this docket.

5 MS. WIEST: Any other questions of this  
6 witness? Thank you. Anything else from any of the  
7 parties? At this time I believe the Commission will  
8 take these matters under advisement. We are waiting  
9 for some late-filed exhibits in some dockets, and it  
10 will be possible that perhaps the Commission will make  
11 the decisions either at a Commission meeting or at the  
12 December 2nd hearing on some other related ETC  
13 dockets. Are there any questions from anybody or any  
14 comments?

15 MR. COIT: I would just, for the record, like  
16 to formally request that the Commission designate each  
17 of the -- based upon the record, the affidavits yet to  
18 be submitted, that the Commission designate each of the  
19 rural telephone companies, SDITC member companies, as  
20 ETC's and that their study areas be designated as their  
21 service area. That's all I have.

22 MS. WIEST: Thank you. That will close the  
23 hearing.

24 (THE HEARING CONCLUDED AT 3:50 P.M.)  
25

1 I, \_\_\_\_\_, RMR, Rotary Public, in and  
2 \_\_\_\_\_, do hereby certify that  
3 the \_\_\_\_\_, through 89, inclusive, was  
4 \_\_\_\_\_ by me and reduced to  
5 \_\_\_\_\_

6 I hereby certify that the foregoing  
7 \_\_\_\_\_ is a true and correct  
8 \_\_\_\_\_ notes at the time and  
9 \_\_\_\_\_

10 I hereby certify that I am not a relative or  
11 \_\_\_\_\_ of any of the parties.  
12 \_\_\_\_\_ of such attorney or counsel,  
13 \_\_\_\_\_ directly or indirectly in  
14 \_\_\_\_\_

15 I, \_\_\_\_\_, I have hereunto set my  
16 \_\_\_\_\_, Pierre, South Dakota, this  
17 \_\_\_\_\_

22 \_\_\_\_\_, RMR  
23  
24  
25





## This image is a severely degraded scan of a document page. It is characterized by a dark, grainy texture and a prominent vertical gradient, transitioning from a very dark, almost black area on the left to a lighter, grayish area on the right. The surface is covered in numerous small, white specks and scratches, suggesting significant physical wear or damage to the original document. No text, figures, or other identifiable content are visible.

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**ELIGIBLE TELECOMMUNICATIONS CARRIER REQUEST**

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**ELIGIBLE TELECOMMUNICATIONS CARRIER REQUEST**

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# ELIGIBLE TELECOMMUNICATIONS CARRIER REQUEST

| U.S. WEST<br>TCR-145<br>NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Time Share Lines<br>TCR-147<br>NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>47 C.F.R. 64.401(a)<br/>1. Is the service available to public?</p> <p>Yes</p> <p>2. Is it a common carrier?</p> <p>Yes</p> <p>3. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>4. Is it a common carrier operating in interstate commerce or in foreign commerce?</p> <p>Yes</p> <p>5. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>6. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>7. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>8. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>9. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>10. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> | <p>11. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>12. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>13. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>14. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>15. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>16. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>17. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>18. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>19. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>20. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> |
| <p>47 C.F.R. 64.401(b) and 64.411<br/>2. Is the service available to public?</p> <p>Yes</p> <p>3. Is it a common carrier?</p> <p>Yes</p> <p>4. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>5. Is it a common carrier operating in interstate commerce or in foreign commerce?</p> <p>Yes</p> <p>6. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>7. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>8. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>9. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>10. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p>                                                                    | <p>11. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>12. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>13. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>14. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>15. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>16. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>17. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>18. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>19. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>20. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> |
| <p>47 C.F.R. 64.401(c)<br/>3. Is the service available to public?</p> <p>Yes</p> <p>4. Is it a common carrier?</p> <p>Yes</p> <p>5. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>6. Is it a common carrier operating in interstate commerce or in foreign commerce?</p> <p>Yes</p> <p>7. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>8. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>9. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>10. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p>                                                                                                                                                             | <p>11. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>12. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>13. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>14. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>15. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>16. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>17. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>18. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>19. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> <p>20. Is it a common carrier operating in interstate commerce?</p> <p>Yes</p> |

TC97-130

RECEIVED

JUL 10 1997

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

IN THE MATTER OF THE REQUEST OF )  
HANSON COMMUNICATIONS INC. D/B/A )  
HANSON COUNTY TELEPHONE COMPANY )  
FOR DESIGNATION AS AN ELIGIBLE )  
TELECOMMUNICATIONS CARRIER )

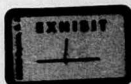
REQUEST FOR ETC  
DESIGNATION  
DOCKET TC97-

Hanson Communications d/b/a Hanson County Telephone Company ("Hanson") pursuant to 47 United States Code Section 214(e) and 47 Code of Federal Regulations Section 54.201 hereby seeks from the Public Utilities Commission ("Commission") designation as an "eligible telecommunications carrier" within the local exchange areas that constitute its service area in South Dakota. In support of this request, Hanson offers the following:

1. Pursuant to 47 U.S.C. § 214(e) it is the Commission's responsibility to designate local exchange carriers ("LECs") as "eligible telecommunications carriers" ("ETCs"), or in other words, to determine which LECs have assumed universal service obligations consistent with the federal law and should be deemed eligible to receive federal universal service support. At least one eligible telecommunications carrier is to be designated by the Commission for each service area in the State. However, in the case of areas served by "rural telephone companies", the Commission may not designate more than one LEC as an ETC without first finding that such additional designation would be in the public interest. Under 47 CFR § 54.201, beginning January 1, 1998, only telecommunications carriers that have received designation from the Commission to serve as an eligible telecommunications carrier within their service area will be eligible to receive federal universal service support.

2. Hanson is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges in South Dakota:

Alexandria 605-239



Hanson to its knowledge is the only carrier today providing local exchange telecommunications services in the above identified exchange area.

3. Hanson in accord with 47 CFR § 54.101 offers the following local exchange telecommunications services to all consumers throughout its service area:

- Voice grade access to the public switched network;
- Local exchange service including an amount of local usage free of per minute charges under a flat rated local service package and as part of a measured local service offering;
- Dual tone multi-frequency signaling;
- Access to emergency services such as 911 or enhanced 911 public service;
- Access to operator services;
- Access to interexchange service;
- Access to directory assistance; and
- Toll blocking service to qualified low-income consumers.

As noted above, Hanson does provide toll limitation service in the form of toll blocking to qualifying consumers, however, the additional toll limitation service of "toll control" as defined in the new FCC universal service rules (47 CFR § 54.400(3)) is not provided. Hanson is not aware that any local exchange carrier in South Dakota has a current capability to provide such service. The FCC gave no indication prior to the release of its universal service order (FCC 97-157) that toll control would be imposed as an ETC service requirement and, to our information and belief, as a result, LECs nationwide are not positioned to make the service immediately available. In order for Hanson to provide the service, additional usage tracking and storage capabilities will have to be installed in its local switching equipment. At minimum, the service requires a switching software upgrade and at this time Hanson is investigating and attempting to determine whether the necessary software has been developed and when it might become available.

According, Hanson is faced with exceptional circumstances concerning its ability to make the toll control service available as set forth in the FCC's universal service rules and must request a waiver from the requirement to provide such service. At this time, a waiver for a period of one year is requested. Prior to the end of the one year period, Hanson will report back to the Commission with specific information indicating when the necessary network upgrades can be made and the service can be made available to assist low income customers. The Commission may properly grant a waiver from the "toll control" requirement pursuant to 47 CFR 54.101(c).

4. Hanson has previously and will continue to advertise the availability of its local exchange services in media of general distribution throughout the exchange areas served. Prior to this filing, Hanson has not generally advertised the prices charged for all of the above-identified services. It will do so going forward in accord with any specific advertising standards that the Commission may develop.

5. Based on the foregoing, Hanson respectfully requests that the Commission:

- (a) grant a temporary waiver of the requirement to provide "toll control" service; and
- (b) grant an ETC designation to Hanson covering all of the local exchange areas that constitute its present service area in the State.

Dated this 30<sup>th</sup> day of June, 1997

Hanson Communications Inc. d/b/a  
Hanson County Telephone Company

Lanford Johnson by Ron Lee  
Lanford Johnson, Manager





## Hanson County Telephone Company

LANNY JOHNSON, MANAGER  
P.O. Box 217 Alexandria, S.D. 57311  
Telephone (605) 239-4302 FAX: (605) 239-4301

130  
Subsidiary of  
McCook Co-op Telephone Co.



October 13, 1997

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OCT 14 1997

Mr. Camron Hoseck  
Staff Attorney  
Public Utilities Commission  
State Capitol Building  
500 East Capitol Avenue  
Pierre, SD 57501-5070

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

RE: Eligible Telecommunications Carrier application, TC97-130  
Hanson County Telephone Company

Dear Mr. Hoseck:

Listed below is the additional information requested for our  
ETC Docket TC97-130:

1. Hanson County Telephone Company provides single-party service to all its subscribers.
2. Hanson County Telephone Company is not currently offering Lifeline and Link Up services within its exchange, but will as required by the FCC rules, 47 C.F.R. 54.400 - 54.417, make the established discount programs available to its qualifying low-income customers beginning January 1, 1998. It is our understanding that while providing the Lifeline and Link Up services is a requirement imposed on ETCs pursuant to 47 C.F.R. 54.405 and 54.411, it is not actually a precondition which must be met before ETC status can properly be granted by the Commission. 47 C.F.R. 54.101 which lists the service obligations that must be met before a carrier can receive federal universal service support does not specifically reference Lifeline and Link Up Services.
3. I, Lanny Johnson, being first duly sworn, state that I am the President for the responding party, that I have read the initial ETC application and the foregoing, and the same are true to my own best knowledge, information and belief.



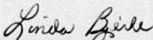
STATE OF SOUTH DAKOTA  
COUNTY OF McCOOK

On the 13th day of October, 1997, before me Linda Bjerke, a notary public, personally appeared Lanny Johnson, known to me to be the President of Hanson County Telephone Company.

  
Linda Bjerke  
Commission Expires October 13, 2003

Please contact our office if in need of any further information.

Sincerely,

  
Linda Bjerke  
Administrative Assistant

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

|                                                |                            |
|------------------------------------------------|----------------------------|
| <b>IN THE MATTER OF THE FILING BY HANSON )</b> | <b>FINDINGS OF FACT,</b>   |
| <b>COMMUNICATIONS, INC. D/B/A HANSON )</b>     | <b>CONCLUSIONS OF LAW,</b> |
| <b>COUNTY TELEPHONE COMPANY FOR )</b>          | <b>ORDER AND NOTICE OF</b> |
| <b>DESIGNATION AS AN ELIGIBLE )</b>            | <b>ENTRY OF ORDER</b>      |
| <b>TELECOMMUNICATIONS CARRIER )</b>            | <b>TC97-130</b>            |

On July 10, 1997, the Public Utilities Commission (Commission) received a request for designation as an eligible telecommunications carrier (ETC) from Hanson Communications, Inc. d/b/a Hanson County Telephone Company (Hanson). Hanson requested designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area.

The Commission electronically transmitted notice of the filing and the intervention deadline to interested individuals and entities. No person or entity filed to intervene. By order dated November 7, 1997, the Commission set the hearing for this matter for 1:30 p.m. on November 19, 1997, in Room 412, State Capitol, Pierre, South Dakota.

The hearing was held as scheduled. At the hearing, the Commission granted Hanson a one year waiver of the requirement to provide toll control service within its service area. At its December 11, 1997, meeting, the Commission granted ETC designation to Hanson and designated its study area as its service area.

Based on the evidence of record, the Commission enters the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

I

On July 10, 1997, the Commission received a request for designation as an ETC from Hanson. Hanson requested designation as an ETC within the local exchange areas that constitute its service area. Hanson serves the following exchange: Alexandria (239). Exhibit 1.

II

Pursuant to 47 U.S.C. § 214(e)(2), the Commission is required to designate a common carrier that meets the requirements of section 214(e)(1) as an ETC for a service area designated by the Commission.

III

Pursuant to 47 U.S.C. § 214(e)(1), a common carrier that is designated as an ETC is eligible to receive universal service support and shall, throughout its service area, offer the services that are supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services. The carrier must also advertise the availability of such services and the rates for the services using media of general distribution.

IV

The Federal Communications Commission (FCC) has designated the following services or functionalities as those supported by federal universal service support mechanisms: (1) voice grade

access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling or its functional equal; (4) single party service or its functional equivalent; (5) access to emergency services; (6) access to operator services; (7) access to interexchange service; (8) access to directory assistance; and (9) toll limitation for qualifying low-income consumers. 47 C.F.R. § 54.101(a).

V

As part of its obligations as an ETC, an ETC is required to make available Lifeline and Link Up services to qualifying low-income consumers. 47 C.F.R. § 54.405; 47 C.F.R. § 54.411.

VI

Hanson offers voice grade access to the public switched network to all consumers throughout its service area. Exhibit 1.

VII

Hanson offers local exchange service including an amount of local usage free of per minute charges to all consumers throughout its service area. Id.

VIII

Hanson offers dual tone multi-frequency signaling to all consumers throughout its service area. Id.

IX

Hanson offers single party service to all consumers throughout its service area. Exhibit 2.

X

Hanson offers access to emergency services to all consumers throughout its service area. Exhibit 1.

XI

Hanson offers access to operator services to all consumers throughout its service area. Id.

XII

Hanson offers access to interexchange services to all consumers throughout its service area. Id.

XIII

Hanson offers access to directory assistance to all consumers throughout its service area. Id.

XIV

One of the services required to be provided by an ETC to qualifying low-income consumers is toll limitation. 47 C.F.R. § 54.101(a)(9). Toll limitation consists of both toll blocking and toll

control. 47 C.F.R. § 54.400(d). Toll control is a service that allows consumers to specify a certain amount of toll usage that may be incurred per month or per billing cycle. 47 C.F.R. § 54.400(c). Toll blocking is a service that lets consumers elect not to allow the completion of outgoing toll calls. 47 C.F.R. § 54.400(b).

XV

Hanson offers toll blocking to all consumers throughout its service area. Exhibit 1.

XVI

Hanson does not currently offer toll control. *Id.* In order for Hanson to provide toll control, additional usage tracking and storage capabilities will have to be installed in its local switching equipment. Hanson is attempting to determine whether the necessary software has been developed and when it might become available. *Id.*

XVII

Hanson stated that it is faced with exceptional circumstances concerning its ability to make toll control service available and requested a one year waiver from the requirement to provide such service. *Id.* Prior to the end of the one year period, Hanson will report back to the Commission with specific information indicating when the network upgrades can be made in order to provide toll control. *Id.*

XVIII

With respect to the obligation to advertise the availability of services supported by the federal universal service support mechanism and the charges for those services using media of general distribution, Hanson stated that it advertises the availability of its local exchange services in media of general distribution throughout its service area. However, Hanson has not generally advertised the prices for these services. *Id.* Hanson stated its intention to comply with any advertising standards developed by the Commission. *Id.*

XIX

Hanson does not currently offer Lifeline and Link Up service discounts in its exchanges. Exhibit 2. Hanson will offer the Lifeline and Link Up service discounts in all of its service area beginning January 1, 1998, in accordance with 47 C.F.R. §§ 54.400 to 54.417, inclusive, and any Commission imposed requirements. Exhibit 2.

XX

The Commission finds that Hanson currently provides and will continue to provide the following services or functionalities throughout its service area: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling; (4) single-party service; (5) access to emergency services; (6) access to operator services; (7) access to interexchange service; (8) access to directory assistance; and (9) toll blocking for qualifying low-income consumers.

XXI

The Commission finds that pursuant to 47 C.F.R. § 54.101(c) it will grant Hanson a waiver of the requirement to offer toll control services until December 31, 1998. The Commission finds that exceptional circumstances prevent Hanson from providing toll control at this time due to the difficulty in obtaining the necessary software upgrades to provide the service.



XXII

The Commission finds that Hanson intends to provide Lifeline and Link Up programs to qualifying customers throughout its service area consistent with state and federal rules and orders.

XXIII

The Commission finds that Hanson shall advertise the availability of the services supported by the federal universal service support mechanism and the charges therefor throughout its service area using media of general distribution once each year. The Commission further finds that if the rate for any of the services supported by the federal universal service support mechanism changes, the new rate must be advertised using media of general distribution.

XXIV

Pursuant to 47 U.S.C. § 214(e)(5), the Commission designates Hanson's current study area as its service area.

CONCLUSIONS OF LAW

I

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-31, and 47 U.S.C. § 214.

II

Pursuant to 47 U.S.C. § 214(e)(2), the Commission is required to designate a common carrier that meets the requirements of section 214(e)(1) as an ETC for a service area designated by the Commission.

III

Pursuant to 47 U.S.C. § 214(e)(1), a common carrier that is designated as an ETC is eligible to receive universal service support and shall, throughout its service area, offer the services that are supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services. The carrier must also advertise the availability of such services and the rates for the services using media of general distribution.

IV

The FCC has designated the following services or functionalities as those supported by federal universal service support mechanisms: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling or its functional equal; (4) single party service or its functional equivalent; (5) access to emergency services; (6) access to operator services; (7) access to interexchange service; (8) access to directory assistance; and (9) toll limitation for qualifying low-income consumers. 47 C.F.R. § 54.101(a).

V

As part of its obligations as an ETC, an ETC is required to make available Lifeline and Link Up services to qualifying low-income consumers. 47 C.F.R. § 54.405; 47 C.F.R. § 54.411.

VI

Hanson has met the requirements of 47 C.F.R. § 54.101(a) with the exception of the ability to offer toll control. Pursuant to 47 C.F.R. § 54.101(c), the Commission concludes that Hanson has demonstrated exceptional circumstances that justify granting it a waiver of the requirement to offer toll control until December 31, 1998.

VII

Hanson shall provide Lifeline and Link Up programs to qualifying customers throughout its service area consistent with state and federal rules and orders.

VIII

Hanson shall advertise the availability of the services supported by the federal universal service support mechanism and the charges therefor using media of general distribution once each year. If the rate for any of the services supported by the federal universal service support mechanism changes, the new rate shall be advertised using media of general distribution.

IX

Pursuant to 47 U.S.C. § 214(e)(5), the Commission designates Hanson's current study area as its service area.

X

The Commission designates Hanson as an eligible telecommunications carrier for its service area.

It is therefore

ORDERED, that Hanson's current study area is designated as its service area; and it is

FURTHER ORDERED, that Hanson shall be granted a waiver of the requirement to offer toll services until December 31, 1998; and it is

FURTHER ORDERED, that Hanson shall follow the advertising requirements as listed above; and it is

FURTHER ORDERED, that Hanson is designated as an eligible telecommunications carrier for its service area.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that this Order was duly entered on the 17<sup>th</sup> day of December, 1997. Pursuant to SDCL 1-26-32, this Order will take effect 10 days after the date of receipt or failure to accept delivery of the decision by the parties.

Dated at Pierre, South Dakota, this 17<sup>th</sup> day of December, 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

Nellie Kalks

Date

12/18/97

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Laska Schoenfelder  
LASKA SCHOENFELDER, Commissioner



## Hanson County Telephone Company

LANNY JOHNSON, MANAGER  
P.O. Box 217 Alexandria, S.D. 57311  
Telephone (605) 239-4302 FAX: (605) 239-4301

TC97-130  
Subsidiary of  
McCook Group Telephone Co.



December 22, 1997

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DEC 23 1997

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

Bill Bullard  
South Dakota Public Utilities Commission  
State Capitol Building  
500 East Capitol  
Perre, SD 57501

Dear Mr. Bullard,

I am enclosing the Lifeline and Link-Up Plan for Hanson County Telephone Company. Also attached is "Exhibit A" (PUC Order issued in Docket TC97-150) and Tariff pages regarding Lifeline and Link-Up.

Hanson County Telephone Company is a subsidiary of McCook Cooperative Telephone Company.

If you have any questions, please feel free to contact us.

Sincerely,

Lanford I. Johnson  
Manager

LJJ/lb

Enclosures

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DEC 23 1997

**LIFELINE AND LINK UP PLAN**  
**OF HANSON COUNTY TELEPHONE COMPANY**

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

The *Hanson County Telephone Company* submits this plan pursuant to 47 CFR § 54.401(d). *Hanson County Telephone Company* has been designated as an eligible telecommunications carrier by the South Dakota Public Utilities Commission ("SDPUC") and, as such, must make Lifeline and Link Up service available to qualifying low-income consumers as set forth in the Commission's *Final Order and Decision; Notice of Entry of Decision* dated November 18, 1997, issued in Docket TC97-150 (In the Matter of the Investigation into the Lifeline and Link Up Programs), which is attached as Exhibit A, and consistent with the criteria established under 47 CFR §§ 54.400 to 54.417, inclusive.

**A. General**

1. The Lifeline and Link Up programs assist qualified low-income consumers by providing for reduced monthly charges and reduced connection charges for local telephone service. The assistance applies to a single telephone line at a qualified consumer's principal place of residence.
2. A qualified low-income consumer is a telephone subscriber who participates in at least one of the following public assistance programs:
  - a. Medicaid
  - b. Food Stamps
  - c. Supplemental Security Income (SSI)
  - d. Federal Public Housing Assistance
  - e. Low-Income Home Energy Assistance Program (LHEAP)
3. A qualified low-income consumer is eligible to receive either or both Lifeline and Link Up assistance.
4. *Hanson County Telephone Company* will advertise the availability of Lifeline and Link Up services and the charges therefore using media of general distribution and in accord with any rules that may be developed by the SDPUC for application to eligible telecommunications carriers.
5. In addition, *Hanson County Telephone Company*, as required by the *Final Order and Decision; Notice of Entry of Decision* of the SDPUC (Exhibit A), will indicate in its annual report to the SDPUC the number of subscribers within its service area receiving Lifeline and/or Link Up assistance. In addition, this information will be provided to the Universal Service Administrative Company ("USAC").
6. Information as to the number of consumers qualifying for Lifeline and/or Link Up assistance cannot currently be provided by *Hanson County Telephone Company* because



it has no access to the government information necessary to determine how many of its telephone subscribers are participating in the above referenced public assistance programs. Without this information, *Hanson County Telephone Company* cannot provide, at this time, even a reasonable estimate of the number of its subscribers who, after January 1, 1998, will be receiving Lifeline and/or Link Up service. Information as to the number of its low-income subscribers qualifying for Lifeline and/or Link Up can be provided after applications for Lifeline and Link Up assistance have been received by *Hanson County Telephone Company*.

7. In accord with the SDPUC's *Final Order and Decision; Notice of Entry of Decision*, *Hanson County Telephone Company* will make application forms available to all of its existing residential customers, to all new customers when they apply for residential local telephone service, and to other persons or entities upon their request.

#### **B. Lifeline**

1. Lifeline service means a retail local service offering for which qualified low-income consumers pay reduced charges.

2. Lifeline service includes voice grade access to the public switched network, local usage, dual tone multi-frequency signaling or its functional equivalent, single-party service or its functional equivalent, access to emergency services, access to operator services, access to interexchange service, access to directory assistance, and toll limitation.

3. Qualified low-income subscribers are required to submit an application form in order to receive Lifeline service. In applying for Lifeline assistance, the subscriber must certify under penalty of perjury that they are currently participating in at least one of the qualifying public assistance programs listed in Section A.2, above. In addition, the subscriber must agree to notify *Hanson County Telephone Company* when they cease participating in the qualifying public assistance program(s).

4. The total monthly Lifeline credit available to qualified consumers is \$5.25. *Hanson County Telephone Company* shall provide the credit to qualified consumers by applying the federal baseline support amount of \$3.50 to waive the consumer's federal End-User Common Line charge and applying the additional authorized federal support amount of \$1.75 as a credit to the consumer's intrastate local service rate. The federal baseline support amount and additional support available, totaling \$5.25, shall reduce *Hanson County Telephone Company's* lowest tariffed (or otherwise generally available) residential rate for the services listed above in Section B.3. Per the attached SDPUC *Final Order and Decision; Notice of Entry of Decision*, the SDPUC has authorized intrastate rate reductions for eligible telecommunications carriers making the additional federal support amount of \$1.75 available. The SDPUC did not establish a state Lifeline

program to fund any further rate reductions. (Exhibit A, Findings of Fact VII and VIII; and Conclusions of Law II and III).

5. *Hanson County Telephone Company* will not disconnect subscribers from their Lifeline service for non-payment of toll charges unless the SDPUC, pursuant to 47 CFR § 54.401(b)(1), has granted the company a waiver from the non-disconnect requirement.

6. Except to the extent that *Hanson County Telephone Company* has obtained a waiver from the SDPUC pursuant to 47 CFR § 54.101(c), the company shall offer toll limitation to all qualifying low-income consumers when they subscribe to Lifeline service. If the subscriber elects to receive toll limitation, that service shall become part of that subscriber's Lifeline service.

7. *Hanson County Telephone Company* will not collect a service deposit in order to initiate Lifeline service if the qualifying low-income consumer voluntarily elects toll blocking on their telephone line. However, one month's local service charges may be required as an advance payment.

#### **C. Link Up**

1. Link Up means:

(a) A reduction in the customary charge for commencing telecommunications service for a single telecommunications connection at a consumer's principal place of residence. The reductions shall be 50 percent of the customary charge or \$30.00, whichever is less; and

(b) A deferred schedule for payment of the charges assessed for commencing service, for which the consumer does not pay interest. The interest charges not assessed to the consumer shall be for connection charges of up to \$200.00 that are deferred to a period not to exceed one year.

2. Charges assessed for commencing service include any charges that are customarily assessed for connecting subscribers to the network. These charges do not include any permissible security deposit requirements.

3. The Link Up program shall allow a consumer to receive the benefit of the Link Up program for a second or subsequent time only for a principal place of residence with an address different from the residence address at which the Link Up assistance was provided previously.

Hanson County Telephone Company  
PO Box 217  
Alexandria, SD 57311  
605-239-302

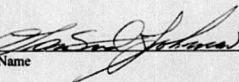
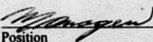
|      |                                                                                   |                                                                                   |
|------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| By   |  |  |
| Name |                                                                                   | Position                                                                          |

EXHIBIT "A"

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

|                                      |                     |
|--------------------------------------|---------------------|
| IN THE MATTER OF THE INVESTIGATION ) | FINAL ORDER AND     |
| INTO THE LIFELINE AND LINK UP )      | DECISION; NOTICE OF |
| PROGRAMS )                           | ENTRY OF DECISION   |
| )                                    | TC97-150            |

At its August 18, 1997, regularly scheduled meeting, the Public Utilities Commission (Commission) voted to open a docket concerning the Federal Communications Commission's (FCC's) Report and Order on Universal Service regarding the Lifeline and Link Up programs. In its Report and Order, the FCC ~~decided that it would~~ provide for additional federal support in the amount of \$1.75, above the current \$3.50 level. However, in order for a state's Lifeline consumers to receive the additional \$1.75 in federal support, the state commission must approve that reduction in the portion of the intrastate rate paid by the end user. 47 C.F.R. § 54.403(a). Additional federal support may also be received in an amount equal to one-half of any support generated from the intrastate jurisdiction, up to a maximum of \$7.00 in federal support. 47 C.F.R. § 54.403(a). A state commission must file or require the carrier to file information with the administrator of the federal universal service fund demonstrating that the carrier's Lifeline plan meets the criteria set forth in 47 C.F.R. § 54.401.

By order dated August 28, 1997, the Commission allowed interested persons and entities to submit written comments concerning how the Commission should implement the FCC's rules on the Lifeline and Link Up programs. In their written comments, interested persons and entities commented on the following questions:

1. Whether the Commission should approve intrastate rate reductions to allow consumers eligible for Lifeline support to receive the additional \$1.75 in federal support?
2. Whether the Commission should set up a state Lifeline Program to fund further reductions in the intrastate rate paid by the end user?
3. Whether the Commission should modify the existing Lifeline or Link Up Programs?
4. Shall the Commission file or require the ~~carrier to~~ file information with the administrator of the federal universal service fund demonstrating that the carrier's Lifeline plan meets the criteria set forth in 47 C.F.R. § 54.401(d)?

By order dated October 16, 1997, the Commission set public hearings to receive public comment on the questions listed above. The hearings were held at the following times and places:

|                    |                                                                                                                 |
|--------------------|-----------------------------------------------------------------------------------------------------------------|
| <b>RAPID CITY:</b> | Monday, October 27, 1997, 1:00 p.m., Canyon Lake Senior Citizens Center, 2900 Canyon Lake Drive, Rapid City, SD |
|--------------------|-----------------------------------------------------------------------------------------------------------------|

**PIERRE:** Tuesday, October 28, 1997, 1:30 p.m., State Capitol Building, Room 412, 500 East Capitol Avenue, Pierre, SD

**SIoux FALLS:** Wednesday, October 29, 1997, 9:00 a.m., Center for Active Generations, 2300 West 46th, Sioux Falls, SD

At its November 7, 1997, meeting, the Commission ruled as follows: On the first issue, the Commission authorized intrastate rate reductions to allow eligible consumers to receive the additional \$1.75 in federal support. With respect to the second issue, the Commission decided to not set up a state Lifeline program to fund further reductions at this time. On the third issue, the Commission eliminated the existing TAP program that requires U S WEST and carriers that have purchased U S WEST exchanges to fund a \$3.50 reduction of local rates to low income customers age 60 and over. The Commission further ruled that the South Dakota Link Up program follow the FCC rules. In addition, the Commission ordered that staff, in consultation with the carriers, develop a standard form for self-certification; that these forms be sent to all of their customers prior to January 1, 1998, and thereafter, to all new customers; and that the carriers make the forms available to any person or entity upon request. On the fourth issue, the Commission ruled that the carrier be required to file with the FCC the information demonstrating that the carrier's plan meets the applicable FCC criteria and that the carrier send an informational copy to the Commission. Further, that the carriers include in their annual report to the Commission the number of subscribers who receive Lifeline and Link Up support.

Based on the written comments and evidence and testimony received at the hearings, the Commission makes the following Findings of Fact and Conclusions of Law.

#### FINDINGS OF FACT

##### I

The current state Lifeline program is referred to as the Telephone Assistance Plan (TAP). The current state Link Up program is referred to as the Link Up America program. The Commission implemented these programs in the U S WEST exchanges pursuant to its Decision and Order dated February 17, 1988, issued in Docket F-3703, In the Matter of the Investigation into Implementation of a Telephone Assistance Plan for South Dakota Customers. Exhibit 1 at page 1. Subsequent buyers of U S WEST exchanges were required to also offer the TAP and Link Up America programs. Id. at pages 1-2.

##### II

The amount of TAP assistance is \$7.00, \$3.50 of which is federally funded, with the remaining \$3.50 funded by the local telecommunications carrier. Id. at page 3. Although U S WEST was originally allowed to charge a surcharge to fund the program, U S WEST subsequently gave up that right in Docket F-3647-8, In the Matter of the Public Utilities Commission Investigation into the Effects of the 1986 Tax Reform Act on South Dakota Utilities. Exhibit 5. In order to receive the TAP assistance, a member of the household

must be 60 years of age or older and participate in either the food stamp or the low-income energy assistance program. Exhibit 1 at page 2.

### III

The Link Up America program provides assistance in an amount equal to one-half of the qualifying subscriber's telephone service connection charges up to a maximum of \$30.00. *Id.* at page 3. In order to receive Link Up assistance, a customer must be receiving either food stamps or low-income energy assistance, must not presently have local telephone service and must not have been provided telephone service at his or her residence within the previous three months, and ~~must not be a dependent~~ for federal income tax purposes (dependency criteria does not apply to those 60 years of age or older). *Id.* The Link Up program is funded entirely out of federal funds. *Id.*

### IV

The FCC revised the current Lifeline and Link Up programs in CC Docket No. 96-45, In the Matter of Federal-State Joint Board on Universal Service, adopted May 7, 1997. Beginning January 1, 1998, the FCC found that the federal baseline Lifeline support will be \$3.50 per qualifying low-income consumer with an additional \$1.75 in federal support if the state commission approves a corresponding reduction in intrastate local rates. 47 C.F.R. § 54.403(a). Additional federal Lifeline support in an amount equal to one-half the amount of any state Lifeline support (not to exceed \$7.00) is also available. *Id.*

### V

The FCC further found that the federal support for Link Up will continue to be a reduction in the telecommunications carrier's service connection charges equal to one half of the carrier's customer connection charge or \$30.00, whichever is less. 47 C.F.R. § 54.413(b).

### VI

Pursuant to the FCC's rules, if there is no state Lifeline or Link Up program, a consumer is eligible for support if the consumer participates in one of the following programs: Medicaid; food stamps; Supplemental Security Income; federal public housing assistance; or the Low-Income Home Energy Assistance Program. 47 C.F.R. §§ 54.409(b) and 54.415(b). In addition, if there is no state Lifeline or Link Up program, a customer must certify under penalty of perjury that the customer is receiving benefits from one of the programs listed above and agrees to notify the carrier if the customer ceases to participate in such program or programs. *Id.*

### VII

The first issue is whether the Commission should approve intrastate rate reductions to allow consumers eligible for Lifeline support to receive the additional \$1.75 in federal



support. The Commission finds that it shall authorize intrastate rate reductions for eligible telecommunications companies providing local exchange service to allow eligible consumers to receive the additional \$1.75 in federal support. Thus, the total amount of federal support is \$5.25 per eligible customer.

#### VIII

The second issue is whether the Commission should set up a state Lifeline program to fund further reductions in the intrastate rate paid by the end user. The Commission finds it will not set up a state Lifeline program to fund further reductions at this time.

#### IX

The third issue is whether to modify or eliminate the existing Lifeline program or Link Up program. With respect to the existing Lifeline program, the Commission finds that it shall eliminate the existing TAP program that requires U S WEST and carriers that have purchased U S WEST exchanges to fund a \$3.50 reduction of local rates to low income customers age 60 and over. The Commission further finds that the South Dakota Lifeline and Link Up programs shall follow the FCC rules. See 47 U.S.C. §§ 54.400 to 54.417. The effect of following the FCC rules and not instituting further state funded reductions is that the FCC eligibility requirements and self-certification requirements will apply to the South Dakota Lifeline and Link Up programs. In addition, the Commission orders that the Commission staff, in consultation with the carriers, develop a standard form for self-certification. The carriers shall send these forms to each customer prior to January 1, 1998. The carriers shall also send a form to each of their new customers. Finally, the carriers shall make the forms available to any person or entity upon request.

#### X

The fourth issue is whether the Commission should file, or in the alternative, require the carrier to file information with the fund administrator. See 47 C.F.R. § 54.401(d). The Commission finds the carriers shall be required to file that information demonstrating that the carrier's plan meets the applicable FCC rules and that the carrier send an informational copy to the Commission. The carriers shall also be required to include in their annual report to the Commission the number of subscribers who receive Lifeline and Link Up support.

#### CONCLUSIONS OF LAW

##### I

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-1.1, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, 49-31-12.1, 49-31-12.2 and 12.4, and 47 C.F.R. §§ 54.400 to 54.417.

II

Pursuant to 47 C.F.R. § 54.403(a), the Commission authorizes intrastate rate reductions for eligible telecommunications companies providing local exchange service to allow eligible consumers to receive the additional \$1.75 in federal support.

III

The Commission declines to institute a state Lifeline program to fund further reductions at this time. The existing South Dakota Lifeline and Link Up programs shall be modified to follow the FCC rules found at 47 U.S.C. §§ 54.400 to 54.417, inclusive, on January 1, 1998. The Commission staff, in consultation with the carriers, shall develop a standard form for self-certification. The carriers shall send these forms to each customer prior to January 1, 1998. The carriers shall also send a form to each of their new customers. Finally, the carriers shall make the forms available to any person or entity upon request.

IV

Pursuant to 47 C.F.R. § 54.401(d), the Commission finds the carriers shall be required to file that information demonstrating that the carrier's plan meets the applicable FCC rules and that the carrier send an informational copy to the Commission. The carriers shall also be required to include in their annual report to the Commission the number of subscribers who receive Lifeline and Link Up support.

It is therefore

ORDERED, that the Commission authorizes intrastate rate reductions for eligible telecommunications companies providing local exchange service to allow eligible consumers to receive the additional \$1.75 in federal support; and it is

FURTHER ORDERED, that the Commission will not set up a state Lifeline program to fund further reductions at this time; and it is

FURTHER ORDERED, that the Commission shall eliminate the existing TAP program; that the South Dakota Lifeline and Link Up programs follow the FCC rules; that the Commission staff, in consultation with the carriers, develop a standard form for self-certification; that the carriers shall send these forms to all of their customers prior to January 1, 1998; that the carriers shall also send a form to each of their new customers; and that the carriers make the forms available to any person or entity upon request; and it is

FURTHER ORDERED, that the carrier shall file with the FCC the information demonstrating that the carrier's plan meets the applicable FCC rules and that the carrier send an informational copy to the Commission. The carriers shall also include in their annual report to the Commission the number of subscribers who receive Lifeline and Link Up support.

Dated at Pierre, South Dakota, this 18<sup>th</sup> day of November, 1997.

|                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p align="center"><b>CERTIFICATE OF SERVICE</b></p> <p>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.</p> <p>By: <u><i>William Kalbs</i></u></p> <p>Date: <u>11/18/97</u></p> <p align="center">(OFFICIAL SEAL)</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

BY ORDER OF THE COMMISSION:

*James A. Burg*  
JAMES A. BURG, Chairman

*Pam Nelson*  
PAM NELSON, Commissioner

*Laska Schoenfelder*  
LASKA SCHOENFELDER, Commissioner

**McCOOK COOPERATIVE TELEPHONE COMPANY****TELEPHONE TARIFF PART VII**

Subsidiary: Hanson County Telephone Company

Original Sheet 9

Subsidiary: Hanson Communications, d/b/a McCook Telecom

Filed with SDPUC

**LOW INCOME ASSISTANCE PROGRAM****A. LIFELINE SERVICE**

1. Lifeline service is a program that assists qualified low-income applicants with reductions in their monthly local exchange service rate. Lifeline service includes: voice grade access to the public switched network, local usage, dual-tone multi-frequency signaling or its functional equivalent, single party service or its functional equivalent, access to emergency services, access to operator services, access to interexchange service, access to directory assistance, and toll limitation (except to the extent a waiver from having to provide toll limitation has been granted by the South Dakota Public Utilities Commission "SDPUC").

The assistance provided through the Lifeline program applies to a single telephone line at the applicant's principal place of residence. Qualified applicants shall have their monthly local exchange service rate reduced by \$1.75, thus allowing the federal support of \$1.75, in addition to the \$3.50 of baseline federal support used to reduce the Lifeline customer's residential rate. The total monthly credit provided is \$5.25.

**2. ELIGIBILITY REQUIREMENTS**

To be eligible for assistance, an applicant must participate in one of the following:

- a. Medicaid (e.g. Title XIX/Medical, state supplemental assistance)
- b. Food Stamps
- c. Supplemental Security Income (SSI)
- d. Federal Public Housing Assistance
- e. Low-Income Home Energy Assistance Program (LHEAP)

The Lifeline customer is responsible for notifying the Company if the customer ceases to participate in any of the public assistance programs listed above.

**3. APPLICATION FOR ASSISTANCE**

In applying for Lifeline service, the qualified customer must certify under penalty of perjury that they are currently participating in at least one of the above listed qualifying public assistance programs. An applicant shall request telephone assistance through completion of a form provided by the Company.

ISSUED: December 18, 1997 EFFECTIVE: January 1, 1998  
Date Date

BY: Lanford J. Johnson Manager Salem, South Dakota 57058  
Name Title Address

McCOOK COOPERATIVE TELEPHONE COMPANY  
Subsidiary: Hanson County Telephone Company  
Subsidiary: Hanson Communications, d/b/a McCook Telecom  
Filed with SDPUC

TELEPHONE TARIFF PART VII  
Original Sheet 10

LOW INCOME ASSISTANCE PROGRAM

A. LIFELINE SERVICE (Continued)

4. RATES

- |    |                                                                  | <u>Monthly Credit</u> |
|----|------------------------------------------------------------------|-----------------------|
| a. | Lifeline Service - Waiver of Federal End-User Common Line Charge | \$3.50                |
|    | - Additional Federal Support                                     | 1.75                  |
|    | Total                                                            | \$5.25                |
- b. Toll blocking shall be included with this service offering without charge. No service deposit is required if applicant voluntarily elects toll blocking with the initiation of Lifeline Service. However, one month's local service charges may be required to be paid in advance.
- c. LEC will not disconnect Lifeline service for non-payment of toll charges.
- d. Any Lifeline partial payments will be applied first to local service charges then to toll charges.

ISSUED: December 18, 1997      EFFECTIVE: January 1, 1998  
Date      Date

BY: Lanford J. Johnson      Manager      Salem, South Dakota 57058  
Name      Title      Address

LOW INCOME ASSISTANCE PROGRAM

B. LINK UP ASSISTANCE

1. The Link Up Program is a plan which assists qualified low-income applicants with reduced service connection charges. The assistance applies for a single telephone line at the applicant's principal place of residence. A reduction of fifty percent of all service connection charges, or \$30.00, whichever is less, will be provided to qualified applicants.
2. The consumer shall receive the benefit of the Link Up Program for a second or subsequent time only for a principal place of residence with an address different from the residence address at which Link Up assistance was provided previously.

3. ELIGIBILITY REQUIREMENTS

To be eligible for assistance, an applicant must participate in one of the following:

- a. Medicaid (e.g. Title XIX/Medical, state supplemental assistance)
- b. Food Stamps
- c. Supplemental Security Income (SSI)
- d. Federal Public Housing Assistance
- e. Low-Income Home Energy Assistance Program (LHEAP)

4. APPLICATION FOR ASSISTANCE

An applicant shall request telephone connection assistance through completion of a form provided by the Company.

5. CHARGES AND DEFERRED PAYMENTS

- a. All customary service connection charges for installing basic residential telephone service, except security deposits, shall be reduced by 50% or \$30.00, whichever is less. The assistance does not extend to inside wiring.
- b. An applicant may defer payment of the service connection charges. Payments may be deferred up to 12 months for connection charges up to \$200.00. Interest will not be charged on deferred payments.

ISSUED: December 18, 1997 EFFECTIVE: JANUARY 1, 1998  
Date Date  
BY: Lanford J. Johnson Manager Salem, South Dakota 57058  
Name Title Address