BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE PETITION OF MCI TELECOMMUNICATIONS CORPORATION AND AT&T COMMUNICATIONS OF THE MIDWEST, INC. TO CERTIFY ALL LECS AS TO COMPLIANCE WITH FCC PAYPHONE ORDERS	)	**ORDER DENYING MOTION TO DISMISS** **TC97-039**

On April 14, 1997, MCI and AT&T filed a petition with the Public Utilities Commission (Commission) requesting the Commission to certify all Local Exchange Companies (LECs) as to compliance with Federal Communications Commission's (FCC) FCC Payphone Orders. Specifically, MCI and AT&T request that the Commission determine and certify whether all certificated LECs have met all state-specific requirements identified in the FCC's orders.

On April 17, 1997, the Commission electronically transmitted notice of the filing and the intervention deadline of May 2, 1997, to interested individuals and entities. On April 30, 1997, U S WEST Communications, Inc. (U S WEST) filed a Petition for Leave to Intervene with the Commission. On May 2, 1997, South Dakota Independent Telephone Coalition (SDITC) filed a Petition to Intervene. The Commission granted both petitions to intervene on May 13, 1997. On June 3, 1997, the Commission received a motion to dismiss from U S WEST.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31.

At a regularly scheduled meeting of June 24, 1997, the Commission discussed the matter. The Commission unanimously decided to deny the motion to dismiss. It is therefore

ORDERED that U S WEST's motion to dismiss is denied

Dated at Pierre, South Dakota, this 2nd day of July, 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: Delaine Kolbo

Date: 7/3/97

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg

JAMES A. BURG, Chairman

Pam Nelson

PAM NELSON, Commissioner

Laska Schoenfelder

LASKA SCHOENFELDER, Commissioner