

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

IN THE MATTER OF THE PETITIONS OF) ARMOUR INDEPENDENT TELEPHONE) COMPANY, BRIDGEWATER-CANISTOTA) INDEPENDENT TELEPHONE COMPANY,) GOLDEN WEST TELECOMMUNICATIONS) COOPERATIVE, INC., KADOKA TELEPHONE) COMPANY, SIOUX VALLEY TELEPHONE) COMPANY, UNION TELEPHONE COMPANY) AND VIVIAN TELEPHONE COMPANY FOR) ARBITRATION PURSUANT TO THE) TELECOMMUNICATIONS ACT OF 1996 TO) RESOLVE ISSUES RELATING TO) INTERCONNECTION AGREEMENTS WITH) WWC LICENSE L.L.C.)	ORDER GRANTING INTERVENTION; ORDER GRANTING REQUEST TO USE THE OFFICE OF HEARING EXAMINERS TC06-036 TC06-037 TC06-038 TC06-039 TC06-040 TC06-041 TC06-042
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On May 3, 2006, Armour Independent Telephone Company, Bridgewater-Canistota Independent Telephone Company, Golden West Telecommunications Cooperative, Inc., Kadoka Telephone Company, Sioux Valley Telephone Company, Union Telephone Company and Vivian Telephone Company (Companies) filed petitions for arbitration of certain unresolved terms and conditions of proposed Interconnection Agreements between Companies and WWC License L.L.C. (WWC), pursuant to Section 252 of the Telecommunications Act of 1996, SDCL 49-31-81, and ARSD 20:10:32:29. Companies filed a list of unresolved issues consisting of: (1) Is the reciprocal compensation rate for Local Traffic proposed by Companies appropriate pursuant to 47 U.S.C. Section 252(d)(2)? (2) What is the appropriate Percent InterLATA Use factor to be applied to non-local traffic exchanged between the parties? (3) What is the appropriate manner by which the minutes of use of Local Traffic terminated by the parties, one to the other, should be calculated and billed? Companies "respectfully request that the Commission grant the following relief: A. Order arbitration of any unresolved issues between [Companies] and WWC; B. Issue an order directing [Companies] and WWC to submit to the Commission for approval an interconnection agreement reflecting: (i) the agreed-upon language in Exhibit A and (ii) the resolution in this arbitration proceeding of any unresolved issues in accordance with the recommendations made by [Companies] herein, at the hearing on such issues and in Exhibit A; C. Order the parties to pay interim compensation for transport and termination of telecommunications traffic from January 1, 2006 (the Effective Date set forth in Exhibit A) to the date on which the Commission approves the parties' executed interconnection agreement in accordance with Section 252(e) of the Act [footnote omitted]; D. Retain jurisdiction of this arbitration until the parties have submitted an executed interconnection agreement for approval by the Commission in accordance with Section 252(e) of the Act; and E. Take such other and further action as it deems necessary and appropriate." In accordance with ARSD 20:10:32:30, a non-petitioning party may respond

to the petition for arbitration and provide additional information within 25 days after the Commission receives the petition. On May 15, 2006, the Commission received Motions for Consolidation from Companies. On May 30, 2006, the Commission received a Response of WWC to Petitions of Arbitration of the Golden West Companies.

By order dated June 5, 2006, the Commission granted the Motions for Consolidation and assessed a deposit on the parties not to exceed \$75,000.00, pursuant to SDCL 49-31-44. On June 5, 2006, the Commission received a petition to intervene from the South Dakota Telecommunications Association (SDTA). By order dated June 9, 2005, the Commission set a procedural schedule and hearing date that were agreed to by the parties. On June 16, 2006, the Commission received a Motion Seeking Order Requiring Payment of Interim Compensation from the Companies. On June 16, 2006, the Commission received a Request to Use Office of Hearing Examiners from WWC. On June 19, 2006, the Commission received a letter signed by WWC and the Companies in which the parties extended the nine month deadline by agreeing that the nine month period as set forth in 47 U.S.C. section 252(b)(4)(C) will expire on December 31, 2006. On June 30, 2006, the Commission received the Companies' Brief in Opposition to the Request of WWC License LLC to Use the Office of Hearing Examiners (OHE). On July 3, 2006, the Commission received comments from SDTA also opposing the request to use OHE. On July 5, 2006, the Commission received a letter from WWC regarding SDTA's Petition to Intervene. On July 7, 2006, the Commission received a response from WWC regarding the opposition of the Companies and SDTA to the use of OHE. On July 10, 2006, the Commission received a response from WWC to the Companies' Motion Seeking Order Requiring Payment of Interim Compensation.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, including 49-31-3 and 49-31-81, and 47 U.S.C. sections 251 and 252. The Commission may rely upon any or all of these or other laws of this state in making its determination.

At its July 11, 2006, meeting, the Commission considered this matter. In its letter dated July 5, 2006, WWC stated that it would not object to the intervention of SDTA, subject to certain restrictions that had been agreed to by WWC and SDTA. The restrictions are that SDTA will not participate in any prehearing discovery, will call no witnesses at the hearing, will not cross-examine any witnesses called by the Companies, and SDTA's cross-examination of any WWC witnesses will not be redundant of the Companies' counsel's examination. In addition, if requested by the Companies, SDTA would be allowed to direct a witness of the Companies with the understanding that the Companies' counsel would not then direct that witness. SDTA would be able to be present at all hearings and motions and have the right to argue and brief procedural and substantive matters, including final briefing. With these restrictions, the Commission voted to grant intervention to SDTA.

Regarding the issue of the use of the OHE, the Commission listened to oral arguments of the parties. The Commission voted to grant WWC's request to use the OHE.

The Commission finds that SDCL 1-26-18.3, in conjunction with SDCL Chapter 1-26D, gives WWC the right to use the OHE. The Commission shall transfer these dockets to the OHE. Pursuant to SDCL 1-26D-6, after the OHE issues its proposed decision, the Commission shall accept, reject, or modify the findings, conclusions, and decision.

It is therefore

ORDERED, that SDTA's Petition to Intervene is granted, subject to the restrictions as agreed to by SDTA and WWC; and it is

FURTHER ORDERED, that WWC's request to use the OHE is granted.

Dated at Pierre, South Dakota, this 14th day of July, 2006.

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:	<u><i>Delana K. Kello</i></u>
Date:	<u>7/14/06</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner