



The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, 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 November 14, 2006, meeting, the Commission listened to oral arguments of the parties. The Commission voted to grant Alltel's request to use the OHE. The Commission finds that the amount in controversy exceeds \$2,500. The Commission finds that SDCL 1-26-18.3, in conjunction with SDCL Chapter 1-26D, gives Alltel the right to use the OHE. The Commission shall transfer this docket 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 Alltel's request to use the OHE is granted.

Dated at Pierre, South Dakota, this 17<sup>th</sup> day of November, 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>Debrae Kalbs</i></u>
Date:	<u>11/17/06</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

*Robert K. Sahr*  
ROBERT K. SAHR, Chairman

*Dustin M. Johnson*  
DUSTIN M. JOHNSON, Commissioner *dk*

*Gary Hanson*  
GARY HANSON, Commissioner