

BEFORE THE STATE OF SOUTH DAKOTA
PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE PETITION OF)	
BERESFORD MUNICIPAL TELEPHONE)	
COMPANY, KENNEBEC TELEPHONE COMPANY,)	
MCCOOK COOPERATIVE TELEPHONE)	Docket Nos.
COMPANY, SANTEL COMMUNICATIONS)	TC 07-112
COOPERATIVE, INC., AND WEST RIVER)	TC 07-113
COOPERATIVE TELEPHONE COMPANY FOR)	TC 07-114
ARBITRATION PURSUANT TO THE)	TC 07-115
TELECOMMUNICATIONS ACT OF 1996 TO)	TC 07-116
RESOLVE ISSUES RELATING TO AN)	
INTERCONNECTION AGREEMENT WITH ALLTEL)	
COMMUNICATIONS, LLC)	

ALLTEL COMMUNICATIONS, LLC’S PETITION FOR RECONSIDERATION

Alltel Communications, LLC, by and through its attorney of record, Talbot J. Wiczorek, of Gunderson, Palmer, Nelson & Ashmore, LLP, hereby submits this Petition for Reconsideration of the Commission’s Findings of Fact, Conclusions of Law and Order in the above-entitled matter.

On February 27, 2009, the Public Utilities Commission of the State of South Dakota (“Commission”) entered its “Findings of Fact and Conclusions of Law and Order” on various issues submitted to this Commission on the arbitration pursuant to 47 U.S.C. § 252 of the Communications Act. Alltel seeks reconsideration of Findings of Fact and Conclusions of Law and Order pursuant to A.R.S.D. 20:10:01:29 and A.R.S.D.20:10:01:30.01.

Reconsideration of the Commission’s February 27, 2009 Decision is appropriate for the following Findings of Fact:

1. That the Commission reconsider its Findings and Conclusions in regards to the rate equivalency method concerning the rate equivalency of DS-0 circuits, specifically, Findings

of Facts 25 through 27.¹ The Findings of Facts recognize that Alltel has agreed that if a rate equivalency method is used that it would accept a DS-3 circuit as equivalent to seven DS-1 circuits. However, the Findings of Facts are silent in regards to the rate equivalency of DS-0s. At the hearing, Alltel advocated that even if a rate equivalency method is used, the rate equivalency of a DS-0 per DS-1 should be 24 DS-0s to one DS-1 as a DS-0 is only introduced onto a network at the DS-1 level. Petitioner advocated that the rates of DS-0 be two DS-0s per one DS-1, but in its rate equivalency used a signaling link which is an isolated circuit. Petitioner's own witness could not explain what a signaling link was. Therefore, Alltel requests the Findings of Facts be reconsidered, setting forth that the DS-0s under the rate equivalency should be considered at 24 per DS-1s or, if the Commission intended to receive further information, the Commission clarify its findings regarding the need for additional facts to decide the appropriate rate equivalent of a DS-0 to a DS-1.²

2. The Commission reconsider its rejection of the recalculations of the SS7 study performed by Alltel as Findings of Fact 41 incorrectly concludes that Alltel failed to take into consideration additional NXXs that were added as part of the Alltel acquisition. Testimony during the hearing established Alltel had no numbers in South Dakota and that the old Western Wireless' NXXs outside of South Dakota, along with the new Alltel NXXs were being delivered using third party carriers, IXC. Further, in testimony Petitioner acknowledged that if an IXC was delivering those calls, Petitioner would already be collecting the access charges from the IXC. Moreover, the contention by Petitioner that because the network was bigger, the interMTA factor may increase because of intermachine trunking, Findings of Fact 40, is contrary to the

¹ All cites to Findings of Fact will be to the McCook proceeding. A matrix will be provided listing the comparable Findings in each proceeding.

² This issue does not apply to Beresford Municipal as the issue had been settled prior to hearing.

facts in this situation as when Alltel acquired Western Wireless, it was required to divest switches in the surrounding states eliminating intermachine trunks. Therefore, Alltel requests the Commission reconsider the Findings of Fact and the Conclusion and that the corrected interMTA factor calculated by Alltel be used.

3. Alltel requests the Commission reconsider its Findings of Facts 44 and 45 wherein it concluded it would not allow netting of an interMTA factor. Netting is an appropriate way to allow billing in this situation as the Commission recognized both in the McCook and Santel proceedings wherein it allowed a factor billing and traffic factor be used for reciprocal compensation. The Commission did not require Alltel to do its own cost analysis to determine a reciprocal compensation rate. Moreover, failure to allow a net factor results in asymmetrical compensation. Therefore, Alltel requests the Commission reconsider based on the record.

Wherefore, Alltel requests the Commission reconsider the issues as set forth above. A Brief in Support of Petition for Reconsideration setting forth arguments and authorities is filed contemporaneously with this Petition and is hereby incorporated herein.

Dated this 30th day of March, 2009

/s/Talbot J. Wieczorek
Talbot J. Wieczorek
GUNDERSON, PALMER, NELSON
& ASHMORE, LLP
440 Mt. Rushmore Road, Fourth Floor
PO Box 8045
Rapid City SD 57709
605-342-1078
Fax: 605-342-0480
E-mail: tjw@gpnlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of March, 2009, a true and correct copy of **Alltel Communication, Inc.'s Petition for Reconsideration**, was sent electronically to:

patty.vangerpen@state.sd.us

MS PATRICIA VAN GERPEN
EXECUTIVE DIRECTOR
SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION
500 EAST CAPITOL
PIERRE SD 57501

bob.knadle@state.sd.us

MR BOB KNADLE
STAFF ANALYST
SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION
500 EAST CAPITOL
PIERRE SD 57501

Karen.cremer@state.sd.us

KAREN CREMER
STAFF ATTORNEY
SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION
500 EAST CAPITOL
PIERRE SD 57501

meredithm@cutlerlawfirm.com

ryant@cutlerlawfirm.com
MEREDITH MOORE
MR RYAN J TAYLOR
ATTORNEY AT LAW
CUTLER & DONAHOE LLP
100 N. PHILLIPS AVENUE, 9TH FLOOR
SIOUX FALLS SD 57104-6725

/s/Talbot J. Wiczorek
Talbot J. Wiczorek