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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE PETITION OF  
BROOKINGS MUNICIPAL UTILITIES  
D/B/A/ SWIFTEL COMMUNICATIONS  
FOR SUSPENSION OR MODIFICATION  
OF 47 U.S.C. SECTION 251(b)(2) OF THE  
COMMUNICATIONS ACT OF 1934 AS  
AMENDED PURSUANT TO THE  
TELECOMMUNICATIONS ACT OF 1996

Docket No. TC08-017

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**Rebuttal Testimony of W. James Adkins**

**On Behalf of Brookings Municipal Utilities D/B/A Swiftel Communications**

**August 28, 2008**

REBUTTAL PRE-FILED TESTIMONY OF

W. JAMES ADKINS

1 **Q: What is your name and address?**

2 A: My name is W. James Adkins. My business address is 415 4 Street, Brookings, South  
3 Dakota 57006. My business telephone number is 605-692-6211.

4 **Q: Are you the same W. James Adkins who filed direct testimony in this proceeding?**

5 A: Yes.

6 **Q: Please state the purpose of your testimony.**

7 A: I will respond to the testimony of Ron Williams, filed on August 5, 2008, on behalf of  
8 Alltel Communications, LLC (Alltel), and to update the estimated timeline for Swiftel to  
9 implement Local Number Portability (LNP).

10 **Q: At page 6 of his testimony, Mr. Williams states that the RLECs are already**  
11 **connected to SDN and Qwest and, therefore, "it is unlikely new facility costs would**  
12 **be incurred by the RLECs to interconnect to SDN, and the existing one-way trunks**  
13 **between the RLECs and Qwest would merely need to be converted to two-way**  
14 **trunks." Do you agree with this statement?**

15 A: No. Swiftel is not connected to SDN for local calling and there is no facility between  
16 Swiftel and SDN for this purpose. With respect to the existing one-way trunk to Qwest,  
17 it is not clear that this trunk could be converted to two-way, as Swiftel and Qwest have

1 not agreed to do so. Further, any such conversion would impose additional costs on  
2 Swiftel.

3 **Q: At page 8 of his testimony, Mr. Williams discusses the Minnesota transit solution as**  
4 **an example of the use of a Qwest transit service for LNP transport and indicates**  
5 **that the same solution is available in South Dakota. How do you reply?**

6 A: Based on the e-mail messages from Qwest attached to Mr. Williams' testimony and  
7 Verizon Wireless' Discovery Responses, it is not at all clear that Qwest is interested in  
8 providing a similar service in South Dakota. I also note that in Minnesota, Alltel agreed  
9 to assume responsibility for part of the cost of transit service. For example, in its  
10 agreement with Interstate Telecommunications Cooperative, Inc. (ITC), Alltel agreed to  
11 assume "all financial responsibility associated with transport charges assessed by the  
12 Designated LATA Tandem Provider, up to but not exceeding \$0.003 per minute of use."<sup>1</sup>

13 **Q: In your Direct Testimony, you stated that, barring certain circumstances, Swiftel**  
14 **could be ready to implement LNP as early as 90 days after the transport issues were**  
15 **resolved. Has this estimation changed?**

16 A: Yes. Since that time, Swiftel has discussed the matter with the consultants Swiftel would  
17 need to hire in order to implement LNP and, based on their availability, Swiftel will not  
18 be able to implement LNP until January 30, 2009.

19 **Q: Does this conclude your rebuttal testimony?**

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<sup>1</sup> Interconnection and Reciprocal Compensation Agreement, WWC Holding Co. Inc., and Interstate Telecommunications, Section 4.1, originally filed March 21, 2006, and approved by the Minnesota Public Utilities Commission: *In the Matter of Joint Application for Approval of Interconnection Agreement between Six Small Local Exchange Carriers and WWC Holding Co., Inc.*, Order, Docket No. P-403 et.al / IC-06-436. (April 20, 2006).

1 A: Yes, although I reserve the opportunity to revise or modify this pre-filed rebuttal  
2 testimony at or before the hearing if I receive additional information pertaining to the  
3 issues I presented herein.

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

In the Matter of the Petition of Alliance  
Communications Cooperative, Inc., Splitrock  
Properties, Inc. and Hills Telephone Company,  
Inc. for Suspension or Modification of 47  
U.S.C. Section 251(b)(2) of the  
Communications Act of 1934 as Amended

**Docket No. TC08-006**

In the Matter of the Petition of Kennebec  
Telephone Company for Suspension or  
Modification of 47 U.S.C. Section 251(b)(2) of  
the Communications Act of 1934 as Amended

**Docket No. TC08-007**

In the Matter of the Petition of Faith Municipal  
Telephone Company for Suspension or  
Modification of 47 U.S.C. Section 251(b)(2) of  
the Communications Act of 1934 as Amended

**Docket No. TC08-008**

In the Matter of the Petition of Western  
Telephone Company for Suspension or  
Modification of 47 U.S.C. Section 251(b)(2) of  
the Communications Act of 1934 as Amended

**Docket No. TC08-009**

In the Matter of the Petition of Sioux Valley  
Telephone Company for Suspension or  
Modification of 47 U.S.C. Section 251(b)(2) of  
the Communications Act of 1934 as Amended

**Docket No. TC08-010**

In the Matter of the Petition of Venture  
Communications Cooperative, Inc. for  
Suspension or Modification of 47 U.S.C.  
Section 251(b)(2) of the Communications Act  
of 1934 as Amended

**Docket No. TC08-011**

In the Matter of the Petition of RC  
Communications, Inc., and Roberts County  
Telephone Cooperative Association for  
Suspension or Modification of 47 U.S.C.  
Section 251(b)(2) of the Communications Act  
of 1934 as Amended

**Docket No. TC08-012**

In the Matter of the Petition of Beresford Municipal Telephone Company for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended	) ) ) ) ) )	<b>Docket No. TC08-013</b>
In the Matter of the Petition of Golden West Telecommunications Cooperative, Inc., for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended	) ) ) ) ) )	<b>Docket No. TC08-014</b>
In the Matter of the Petition of Vivian Telephone Company for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended	) ) ) ) ) )	<b>Docket No. TC08-015</b>
In the Matter of the Petition of Kadoka Telephone Company for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended	) ) ) ) ) )	<b>Docket No. TC08-016</b>
In the Matter of the Petition of Union Telephone Company for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended	) ) ) ) ) )	<b>Docket No. TC08-018</b>
In the Matter of the Petition of Armour Independent Telephone Company for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended	) ) ) ) ) )	<b>Docket No. TC08-019</b>
In the Matter of the Petition of McCook Cooperative Telephone Company and Tri- County Telcom for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended	) ) ) ) ) )	<b>Docket No. TC08-020</b>
In the Matter of the Petition of Bridgewater- Canistota Independent Telephone Company for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended	) ) ) ) ) )	<b>Docket No. TC08-021</b>

In the Matter of the Petition of Valley Telecommunications Cooperative Association, for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended	) ) ) ) ) )	<b>Docket No. TC08-022</b>
In the Matter of the Petition of Midstate Communications, Inc., for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended	) ) ) ) )	<b>Docket No. TC08-023</b>
In the Matter of the Petition of Interstate Telecommunications Cooperative, Inc., for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended	) ) ) ) ) )	<b>Docket No. TC08-024</b>
In the Matter of the Petition of West River Cooperative Telephone Company for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended	) ) ) ) ) )	<b>Docket No. TC08-025</b>
In the Matter of the Petition of Stockholm Strandburg Telephone Company for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended	) ) ) ) ) )	<b>Docket No. TC08-026</b>
In the Matter of the Petition of Santel Communications Cooperative, Inc., for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended	) ) ) ) ) )	<b>Docket No. TC08-027</b>

**SECOND SET OF DISCOVERY RESPONSES FROM  
VERIZON WIRELESS, LLC**

Come now Verizon Wireless (VAW) LLC, CommNet Cellular License Holding LLC,  
Missouri Valley Cellular, Inc., Sanborn Cellular, Inc., and Eastern South Dakota Cellular, Inc.  
d/b/a Verizon Wireless (“Verizon Wireless”) and respond to the Interrogatories and Documents  
Requests filed by the above Petitioners as follows:

## **I. GENERAL OBJECTIONS**

1. Verizon Wireless objects to these Interrogatories and Document Requests to the extent that they seek information that is neither admissible nor reasonably calculated to lead to the discovery of admissible evidence to any issue in this proceeding.

2. Verizon Wireless objects to each Interrogatory or Document Request that seeks information or documents (1) subject to the attorney-client privilege, or (2) subject to the attorney work-product privilege.

3. Verizon Wireless objects to these Interrogatories and Document Requests to the extent that they seek to impose obligations on Verizon Wireless that exceed the requirements of the South Dakota Rules of Civil Procedure or other applicable South Dakota law.

4. Verizon Wireless objects to each and every one of these Interrogatories and Document Requests to the extent that they seek to have Verizon Wireless create documents or information not in existence at the time of the discovery request.

Without waiving any of the above objections and subject to the further discovery request specific objections asserted herein, Verizon Wireless responds as follows:

## **II. RESPONSES TO INTERROGATORIES**

**Interrogatory 1:** For each Interrogatory, identify each person who assisted in the preparation of these responses or who provided information for the purposes of preparing these responses.

### **ANSWER:**

- Interrogatory 2, Phil Schenkenberg, Briggs and Morgan, P.A.
- Interrogatory 3, Phil Schenkenberg, Briggs and Morgan, P.A.;  
Lance Murphy, Verizon Wireless

**Interrogatory 2:** At page 7 of Ron Williams' testimony, Mr. Williams states that Qwest would serve as the transit provider for such calls at a rate of \$0.0045 per minute. Detail any other conversations, correspondence or communications between Qwest and either Alltel or Verizon Wireless concerning Qwest's willingness to provide a transit service in South Dakota for LNP.

### **ANSWER:**

Ex. VZW-DISC 4 contains all responsive written communications. Mr. Schenkenberg had several additional non-substantive conversations with Mr. Topp.

**Interrogatory 3:** At page 8-9 of Ron Williams' testimony, Mr. Williams discusses a transit solution in Minnesota. Did the wireless carriers agree to pay transit or any other fee to Qwest in connection with this service? Did the wireless carriers agree to pay transit or any other fee to

Qwest in connection with this service? Did the wireless carriers agree to pay any fee to any rural ILEC in connection with this service?

**ANSWER:**

Verizon Wireless objects to this request as vague and as seeking information that is neither admissible nor reasonably calculated to lead to the discovery of admissible evidence. Subject to that objection and without waiver thereof, any interconnection agreements Verizon Wireless has in Minnesota are on file with the Minnesota Public Utilities Commission.

**III. REQUEST FOR PRODUCTION**

**Request for Production 1:** Provide all documents that you relied on or that support your answers to the Interrogatories that you identified in the response.

**RESPONSE:**

Verizon Wireless objects to this request as the request is overbroad and to the extent that the request calls for information protected by the attorney-client privilege and work product doctrine. Subject to that objection and without waiver thereof, responsive documents are provided. See attached Ex. VZW-DISC 4.

**Request for Production 2:** Provide copies of any correspondence or communications between Qwest and Alltel or Qwest and Verizon Wireless in reference to Qwest's willingness to provide a transit service in South Dakota for LNP.

**RESPONSE:**

Verizon Wireless objects to this request as the request is overbroad and to the extent that the request calls for information protected by the attorney-client privilege and work product doctrine. Subject to that objection and without waiver thereof, responsive documents are provided. See attached Ex. VZW-DISC 4.

**Request for Production 3:** Provide any agreements between you and the local exchange carriers in Minnesota in reference to the delivery of LNP traffic.

**RESPONSE:**

Verizon Wireless objects to this request as vague. Subject to that objection and without waiver thereof, any interconnection agreements Verizon Wireless has in Minnesota are on available through the Minnesota Public Utilities Commission.

**Request for Production 4:** Provide any agreements between you and the local exchange carriers in Iowa in reference to the delivery of LNP traffic.

**RESPONSE:**

Verizon Wireless objects to this request as vague. Subject to that objection and without waiver thereof, any interconnection agreements Verizon Wireless has in Iowa are on available through the Iowa Utilities Board.

**Attorneys for Verizon Wireless (VAW) LLC,  
CommNet Cellular License Holding LLC,  
Missouri Valley Cellular, Inc., Sanborn  
Cellular, Inc., and Eastern South Dakota  
Cellular, Inc. d/b/a Verizon Wireless**

By s/ \_\_\_\_\_  
Philip R. Schenkenberg  
BRIGGS AND MORGAN, P.A.  
80 South Eighth Street  
2200 IDS Center  
Minneapolis, Minnesota 55402  
Telephone: 612-977-8400  
Fax: 612-977-8650

Dennis L. Duncan  
ZIMMER, DUNCAN AND COLE  
120 N. Main Street  
P.O. Box 550  
Parker, South Dakota 57053  
Telephone: 605-297-4446  
Fax: 605-297-4488

**EX. VZW-DISC 4**

**From:** Topp, Jason [Jason.Topp@qwest.com]  
**Sent:** Friday, May 16, 2008 3:12 PM  
**To:** Schenkenberg, Philip  
**Subject:** RE: South Dakota

Phil:

Here are some general bullet points outlining the terms under which Qwest would consider providing transit services to ILECs in South Dakota.

1. 1 way trunks turned into 2 way trunks. Qwest and the ILECs will pay their own costs of doing this work.
2. Transit Rate for all transit traffic \$.0045 per minute for all ILEC-originated traffic that transits our network whether across these new 2 way trunks or across another existing connection.
3. The ILECs may use another provider for LNP Dips—they don't have to use QC. But if they send us QC call that has not been dipped, QC will apply a default dip rate, which is in section 13 of the tariff, cited below.

Service Description	Monthly Recurring Charges	Non-Recurring Charges
LNP Queries	See FCC Tariff #1 Section 13 & 20	See FCC Tariff #1 Section 13 & 20

Jason D. Topp  
 Qwest Corporation  
 200 South Fifth Street, Room 2200  
 Minneapolis, MN 55402  
 (612) 672-8905 (telephone)

[Jason.topp@qwest.com](mailto:Jason.topp@qwest.com)

THIS MESSAGE MAY BE PRIVILEGED AND CONFIDENTIAL. IF YOU RECEIVE IT IN ERROR, PLEASE LET ME KNOW.

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**From:** Schenkenberg, Philip [mailto:PSchenkenberg@Briggs.com]  
**Sent:** Tuesday, May 06, 2008 11:25 AM  
**To:** Topp, Jason  
**Subject:** South Dakota

Jason,

I think you were going to get me a bullet point list on the transit issue. What's the status?

5/22/2008

Thanks.

Phil

**Phil Schenkenberg**  
**Attorney**

Briggs and Morgan, P.A.  
Direct 612.977.8246  
Fax 612.977.8650  
[pschenkenberg@briggs.com](mailto:pschenkenberg@briggs.com)  
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Thanks.

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[pschenkenberg@briggs.com](mailto:pschenkenberg@briggs.com)  
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5/6/2008

**From:** Schenkenberg, Philip  
**Sent:** Thursday, April 10, 2008 10:57 AM  
**To:** 'Topp, Jason'  
**Subject:** RE: South Dakota

Thanks.

**Phil Schenkenberg**  
**Attorney**

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Direct 612.977.8246  
Fax 612.977.8650  
[pschenkenberg@briggs.com](mailto:pschenkenberg@briggs.com)  
2200 IDS Center | 80 South 8th Street | Minneapolis, MN 55402

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**From:** Topp, Jason [<mailto:Jason.Topp@qwest.com>]  
**Sent:** Thursday, April 10, 2008 9:31 AM  
**To:** Schenkenberg, Philip  
**Subject:** RE: South Dakota

Phil:

I forwarded your email to try and figure out where things stand.

Jason D. Topp  
Qwest Corporation  
200 South Fifth Street, Room 2200  
Minneapolis, MN 55402  
(612) 672-8905 (telephone)

[Jason.topp@qwest.com](mailto:Jason.topp@qwest.com)

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**From:** Schenkenberg, Philip [<mailto:PSchenkenberg@Briggs.com>]  
**Sent:** Wednesday, April 09, 2008 7:05 AM  
**To:** Topp, Jason  
**Subject:** RE: South Dakota

Hi Jason, I sent the email below when you were out. I followed up with Diane and sent her the attached email - she said she would forward it on. Do you know what happened in the interim? We do need to get this rolling, and we may need to go to the Commission and ask the Commission to order parties to negotiate.

Thanks.

4/10/2008

Phil

**Phil Schenkenberg**  
Attorney

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**From:** Schenkenberg, Philip  
**Sent:** Monday, March 31, 2008 11:34 AM  
**To:** 'Topp, Jason'  
**Subject:** South Dakota

Jason,

We talked about the possibility of some South Dakota transit negotiations forming. Verizon Wireless has asked me to reach out to Qwest and take the first steps - explaining what it is that we want to negotiate about, discussing Qwest's interest, and discussing possible parameters for such talks. What would be the best way to get the process started? Do you want to set up a call with you, me and one or two of your clients?

Phil

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4/10/2008

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**From:** Schenkenberg, Philip  
**Sent:** Wednesday, April 09, 2008 7:05 AM  
**To:** 'Topp, Jason'  
**Subject:** RE: South Dakota  
**Attachments:** FW: South Dakota LNP Issues

Hi Jason, I sent the email below when you were out. I followed up with Diane and sent her the attached email - she said she would forward it on. Do you know what happened in the interim? We do need to get this rolling, and we may need to go to the Commission and ask the Commission to order parties to negotiate.

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Phil

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4/9/2008

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**To:** 'Topp, Jason'  
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Jason,

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3/31/2008

**From:** Schenkenberg, Philip  
**Sent:** Monday, March 31, 2008 12:09 PM  
**To:** 'dianne.barthel@qwest.com'  
**Subject:** FW: South Dakota LNP Issues

Diane,

Thanks for speaking with me in Jason's absence, and for agreeing to forward this on to someone who might be able to help get the ball rolling before Jason is back. The RLECs in South Dakota have filed LNP suspension petitions, and the biggest obstacle to implementation is the delivery of traffic to ported out wireless numbers where there is no direct connection between the RLEC and the terminating wireless carrier. There is both a technical issue (how does it happen) and a compensation issue (who pays). My client Verizon Wireless would like to see the RLECs, Qwest and the wireless carriers sit down and try to negotiate a way for Qwest to provide a service that would solve the technical issue, perhaps like was done in Minnesota. Our hope is that we can create a technical solution that involves agreeing what Qwest would get paid to provide this service, and then either negotiate or litigate between the wireless carriers and RLECs who would have to pay Qwest.

I raised this with Jason and he gave me two names of people who would have knowledge and/or responsibility covering those areas: Ed Melichar and Sandy Stulin.

Let me know if you need any more details.

Thanks!

Phil

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**Attorney**

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3/31/2008

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