

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT
OF KENNEBEC TELEPHONE
COMPANY, INC. AGAINST ALLTEL
COMMUNICATIONS, INC FOR
NONPAYMENT OF TRANSITING
CHARGES

TCO8-031

ALLTEL'S OBJECTIONS TO
CLAIMANT'S STATEMENT OF
ALLEGED UNDISPUTED MATERIAL
FACTS IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT

COMES NOW Alltel Communications, LLC ("Alltel") by and through its counsel of record, and submits these objections to Kennebec Telephone Company, Inc's ("Kennebec") Statement of Alleged Undisputed Material Facts set forth in support of its Motion for Summary Judgment.

STATEMENT OF FACT

Statement of Fact 1. No objection.

Statement of Fact 2. Objection, it is believed by Alltel that Kennebec Telephone Company, Inc., is actually providing the transiting service to Qwest as Qwest has agreed to carry Alltel calls to the White River meet point. See Williams' Aff. at ¶¶ 5 and 6.

Statement of Fact 3. No objection.

Statement of Fact 4. No objection.

Statement of Fact 5. No objection.

Statement of Fact 6. This Statement of Fact is objected to as Kennebec is and was actually providing transiting services to Qwest for these calls. Further, that any invoicing by Kennebec was done over the objection of Alltel as to who should be paying the charge and whether the rate was reasonable. See Williams' Aff. at ¶¶ 4 – 7.


Statement of Fact 7. This Statement of Fact is objected to the extent it suggests that Kennebec is providing transiting services to Alltel. Alltel has attempted to resolve the matter with Kennebec but Kennebec has failed to cooperate. See Williams' Aff. at ¶¶ 5, 6, 8 and 9.

Statement of Fact 8. Objection as Statement of Fact 8 is actually a conclusion of law and Alltel contends the transiting charge to Alltel is not appropriate. See Williams' Aff. at ¶ 6.

Statement of Fact 9. This Statement of Fact is objected to as Alltel has made it clear it does not believe it is responsible for any of the payments due Kennebec. See Williams' Aff. at ¶¶ 5, 6, 8 and 9.

Dated this 7 day of June, 2009.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 1 day of June, 2009, I served a true and correct copy of Alltel's Objections to Kennebec's Statement of Alleged Undisputed Material Facts electronically to:

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