

Robert C. Riter, Jr. Darla Pollman Rogers Jerry L. Wattier Margo D. Northrup

> Associate: Lindsey Riter-Rapp

> > Of Counsel: Robert D. Hofer

June 15, 2009

Ms. Patricia Van Gerpen SD Public Utilities Commission 500 E Capitol Ave Pierre SD 57501

RE: In the Matter of the Petition of Cheyenne River Sioux Tribe Telephone Authority for Arbitration Pursuant to the Telecommunications Act of 1996 to Resolve Issues Relating to an Interconnection Agreement with Alltel Communications, Inc.

Dear Patty:

Attached for electronic filing, please find Cheyenne River Sioux Tribe Telephone Authority's ("CRST") and Alltel Communications, Inc's ("Alltel") Joint Stipulation and Proposed Procedural Schedule.

If you have any questions, please contact me.

Sincerely yours,

RITER, ROGERS, WATTIER, &

NORTHRUP, LLP

Margo D. Northrup (muhlung)

MDN/ed Enclosure cc: Client

Law Office

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

In the Matter of the Petition of Cheyenne River Sioux)	Docket No. TC 08-122
Tribe Telephone Authority for Arbitration Pursuant to)	
the Telecommunications Act of 1996 to Resolve Issues)	JOINT STIPULATION AND
Relating to an Interconnection Agreement with Alltel)	PROPOSED PROCEDURAL
Communications, Inc.)	SCHEDULE

Comes now, the parties in the above-entitled action, by and through their counsel of record, and hereby submit this stipulation to the Commission and a Proposed Joint Scheduling Order. The parties hereby stipulate as follows:

- 1. That the parties have resolved various issues involved in the request for arbitration. The remaining issues include, from the CRST Petition:
 - Issue 1: What are the appropriate definitions to be included in the agreement;
 - Issue 3: What is the appropriate treatment of ISP bound traffic;
 - Issue 11: What is appropriate time frame for bringing claims for disputes arising under the Agreement; and,

from Alltel's Responsive pleading,

- Issue 13: Whether the language of Exhibit A to the Petition not directly disputed in negotiations should be used and Exhibit B rejected in whole.
- 2. The remaining issues between the parties have been settled and resolved.
- 3. Based on the settlement, the parties propose the following procedural schedule to address the remaining issues:
 - a. On or before June 22, 2009, both parties shall simultaneously file direct testimony, including exhibits dealing with the remaining issues.
 - b. On or before July 8, 2009, all parties shall serve and file rebuttal testimony, including exhibits.

- c. No witness shall be allowed to testify at the hearing unless that witness has prefiled testimony pursuant to this procedural schedule with the exception of witnesses offering live testimony regarding issues first raised in rebuttal testimony. Such testimony shall not be duplicative of prefiled testimony. In the event that a party determines that is will present testimony in response to rebuttal testimony from one or more witnesses that have not prefiled testimony, the names and personal resumes of such witnesses, and a general description of the facts and testimony to be offered by such witnesses shall be provide to the other party and the Commission not later than July 13, 2009.
- d. Exhibits offered through a Party's witness that are not summary in nature shall be attached to prefiled testimony. Any exhibit not previously produced that may be used on cross-examination shall be disclosed to the other party on or before July 13, 2009, with a copy provided upon request. Should an exhibit not previously attached to prefiled testimony or produced through discovery be deemed necessary to cross-examine a witness who has not filed prefiled testimony, that exhibit shall be disclosed to the other party on or before July 14, 2009.
- e. All documents served by e-mail, in .pdf format unless the document is a spreadsheet then it will be produced unprotected in its native format.

 Service by e-mail is effective when received pursuant to South Dakota Administrative Rules.

- f. The hearing shall be held after July 15, 2009 or as soon thereafter as the Commission shall be able to hear this matter in the State Capitol Building, Pierre, South Dakota. The hearing will begin at a time set by the Commission. The parties shall arrive prior to the commencement of the hearing to mark exhibits.
- g. The parties shall simultaneously serve and file post hearing briefs 20 days following receipt of the hearing transcript, along with proposed language for the disputed issues in the interconnection agreement. The parties shall simultaneously serve and file reply briefs 14 days following the receipt of the initial post hearing briefs.

Dated this 15 day of ___

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ATTORNEYS FOR CHEYENNE RIVER SIOUX TRIBE TELEPHONE

ATTORNEYS FOR ALLTEL COMMUNICATIONS, LLC

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