

**Individual Report for Docket Number : TC08-135**

**Docket Title:**

IN THE MATTER OF THE COMPLAINT FILED BY ORBITCOM, INC. AGAINST VERIZON BUSINESS NETWORK SERVICES, INC. REGARDING UNPAID ACCESS CHARGES

**Open Date :** 11/25/2008

**Close Date :** 05/10/2010

**Days Open :** 531

**Filing Type :**

TC

**Tax ID # :**

46-0459512 - OrbitCom;

**Attorney :**

KC

**Staff :**

TLB

**Primary Appeal Information**

**Appeal Date :**

**Appellant :**

**Decision Date :**

**Appeal Location :**

**Current Status :**

**Description of Above Decision :**

**Secondary Appeal Information**

**Appeal Date :**

**Appellant :**

**Decision Date :**

**Appeal Location :**

**Current Status :**

**Description of Above Decision :**

IN THE MATTER OF THE COMPLAINT FILED BY ORBITCOM, INC. AGAINST VERIZON BUSINESS NETWORK SERVICES, INC. REGARDING UNPAID ACCESS CHARGES Filed 11-25-2008; Pending.

## Individual Report for Docket Number : TC08-135

### Docket Notes :

11/25/08 - Filed and Docketed - All files located - M:/PUC/WEB/Internet/commission/dockets/telecom/2008/docket number/file name  
11/25/08 - Letter and Complaint - M:/112508.pdf  
Exhibit 1 - M:/exhibit1.pdf  
Sheriff's Return - M:/sheriffsrtn.pdf  
11/26/08 - Weekly Filings - <http://puc.sd.gov/WeeklyFiling/2008/1120-1126.aspx>  
12/22/08 - Answer to Complaint - M:/122208.pdf  
06/01/09 - Stipulation for Scheduling Order - M:/060109.pdf  
06/17/09 - Letter and Amended Complaint - M:/061709.pdf  
06/25/09 - Letter and Stipulation to File and Serve Amended Complaint - M:/062509.pdf  
06/24/09 - ORDER APPROVING STIPULATION FOR SCHEDULING ORDER - M:/orders/telecom/2009/tc08-135.pdf  
07/07/09 - Answer to Amended Complaint and Counterclaim - M:/070709.pdf  
07/17/09 - Letter from Meredith Moore - M:/071709ltr.pdf  
Direct Testimony of Michael Powers - M:/071709.pdf  
Certificate of Service - M:/071709cos.pdf  
07/27/09 - Letter and OrbitCom's Reply to Amended Counterclaim - M:/072709.pdf  
08/07/09 - Direct Testimony of Leslie Freet - M:/080709freet.pdf  
Exhibits - M:/080709exhibits.pdf  
Exhibits Confidential (Not Available to the Public) - N:\Intranet\confidential\telecom\2008\tc08-135\080709exhibit.pdf  
08/20/09 - Motion to Compel and Motion to Reset Hearing Date - M:/082009.pdf  
08/21/09 - Corrected Motion to Compel and Motion to Reset Hearing Date - M:/082109.pdf  
Exhibits - M:/082109exhibits.pdf  
08/24/09 - Letter from Meredith Moore - M:/082409ltr.pdf  
Rebuttal Testimony of Michael Powers - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\082409Powers.pdf  
Exhibits MP2-01 through MP2-15 - M:/mp2-01-15.pdf  
Exhibits MP2-16 through MP2-19 - M:/mp2-16-19.pdf  
Exhibits MP2-20 Part 1 - M:/mp2-20part1.pdf  
Exhibit MP2-20 Part 2 - M:/mp2-20part2.pdf  
Exhibit MP2-20 Part 3 - M:/mp2-20part3.pdf  
Exhibit MP2-20 Part 4 - M:/mp2-20part4.pdf  
Exhibit MP2-21 - M:/mp2-21.pdf  
Exhibit MP2-22 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\mp2-22.pdf  
Exhibits MP2-23 through MP2-25 - M:/mp2-23-25.pdf  
08/24/09 - Letter and OrbitCom's Response to Verizon's Motion to Compel, Delay of Hearing and Supplement Pre-Filed Testimony - M:/082409.pdf  
08/24/09 - Affidavit of Meredith Moore and Exhibits - M:/082409aff.pdf  
08/25/09 - Motion of Nonresident Attorney to Appear Pro Hac Vice - M:/082509non.pdf  
08/25/09 - Motion of Resident Attorney for Nonresident Attorney to Appear Pro Hac Vice - M:/082509motion.pdf  
08/25/09 - Order (Admitting Thomas F. Dixon) - M:/082509order.pdf  
09/10/09 - Letter and Motion for Hearing Date - M:/091009.pdf

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09/24/09 - Letter from Meredith Moore - M:/092409.pdf

09/15/09 - ORDER GRANTING MOTION TO COMPEL IN PART ORDER APPROVING RESETTING HEARING DATES AND ORDER

GRANTING FILING OF SUPPLEMENTAL TESTIMONY - M:/commission/orders/telecom/2009/tc08-135a.pdf

10/05/09 - Prefiled Supplemental Testimony of Leslie Freet - M:/100509lf.pdf

Exhibit 30 - M:/100509lf30.pdf

Exhibit 31 - M:/100509lf31.pdf

Exhibit 32 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\100509LF32.pdf

Exhibit 33 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\100509LF33.pdf

Exhibit 34 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\100509LF34.pdf

Exhibit 35 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\100509LF35.pdf

Exhibit 36 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\100509LF36.pdf

Exhibit 37 Cover Sheet - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\100509LF37cover.pdf

Exhibit 37-1 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.1.pdf

Exhibit 37-2 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.2.pdf

Exhibit 37-3 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.3.pdf

Exhibit 37-4 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.4.pdf

Exhibit 37-5 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.5.pdf

Exhibit 37-6 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.6.pdf

Exhibit 37-7 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.7.pdf

Exhibit 37-8-1 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.8.pdf

Exhibit 37-8-2 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.8a.pdf

Exhibit 37-9 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.9.pdf

Exhibit 37-10- Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.10.pdf

Exhibit 37-11 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.11.pdf

Exhibit 37-12 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.12.pdf

Exhibit 37-13 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.13.pdf

Exhibit 37-14-1 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.14.1.pdf

Exhibit 37-14-2a - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.14.2summary.pdf

Exhibit 37-14-2b - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.14.2term.pdf

Exhibit 37-15 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.15.pdf

Exhibit 37-15-1 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.15.1.pdf

Exhibit 37-15-2 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.15.2.pdf

Exhibit 37-16-1 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.16.1.pdf

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Exhibit 37-16-2 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.16.2.pdf

Exhibit 37-16-2a - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.16.2a.pdf

Exhibit 37-17-1 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.17.1.pdf

Exhibit 37-17-2 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.17.2.pdf

Exhibit 37-17-2a - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\37.17.2a.pdf

Exhibit 38 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\100509LF38.pdf

Exhibit 39 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\100509LF39.pdf

Exhibit 40 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\100509LF40.pdf

Exhibit 41 - M:/100509lf41.pdf

Exhibit 42 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\100509LF42.pdf

10/08/09 - ORDER FOR AND NOTICE OF HEARING - M:/commission/orders/telecom/2009/tc08-135B.pdf

10/13/09 - Corrected Pre-filed Supplemental Testimony of Leslie Freet - M:/101309.pdf

10/16/09 - Letter from Meredith Moore - M:/101609.pdf

Prefiled Supplemental Rebuttal Testimony of Michael Powers - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\101609Powers.pdf

Exhibit MP2-18 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\101609MP2-18.pdf

Exhibit MP3-28 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\101609MP3-28.pdf

Exhibit MP3-29 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\101609MP3-29.pdf

Exhibit MP3-30 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\101609MP3-30.pdf

Exhibit MP3-31 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\101609MP3-31.pdf

Exhibit MP3-32 - Confidential (Not Available to Public) - N:\Intranet\confidential\telecom\2008\tc08-135\101609MP3-32.pdf

Certificate of Service - M:/101609cos.pdf

11/02/09 - Transcript of Hearing held 10/22/09 - Confidential (Not Available to Public) - N:\Intranet\transcripts\102209tc08-135.pdf

Confidential Pages from Transcript - Confidential (Not Available to Public) - N:\Intranet\transcripts\102209tc08-135conf.pdf

12/04/09 - Verizon's Initial Post-Hearing Brief - M:/120409verizon.pdf

12/04/09 - OrbitCom's Post-Hearing Memorandum of Law in Support of Its Complaint - M:/120409orbitcom.pdf

01/08/10 - Verizon's Post-Hearing Reply Brief - M:/010810.pdf

01/11/10 - Letter and Orbitcom's Post-Hearing Brief Reply Memorandum of Law in Support of its Amended Complaint Confidential (Not Available to the Public) - N:\Internet\telecom\tc08-135\011110.pdf

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02/04/10 - Verizon's Motion to Strike or, in the Alternative, A Motion for Leave to File Sur-Reply Brief - M:/020410.pdf

02/16/10 - Letter and OrbitCom's Response to Verizon's Motion to Strike, or in the Alternative, a Motion for Leave to File Sur-Reply Brief - M:/021610.pdf

Exhibit A - M:/021610exa.pdf

Certificate of Service - M:/021610cos.pdf

02/17/10 - Letter from Meredith Moore - M:/021710.pdf

Orbitcom's Post-Hearing Reply Memorandum of Law in Support of its Amended Complaint - Confidential (Not Available to the Public) - N:\Internet\telecom\tc08-135\021710brief.pdf

Orbitcom's Post-Hearing Reply Memorandum of Law in Support of its Amended Complaint - M:/021710brief.pdf

02/22/10 - Verizon's Sur-Reply Brief - M:/022210verizon.pdf

02/26/10 - ORDER DENYING IN PART & GRANTING IN PART - M:/commission/orders/telecom/2010/tc08-135.pdf

03/17/10 - Transcript of Proceedings, February 23, 2010 - M:/022310transcript.pdf

04/08/10 - Stipulation for Dismissal - M:/040810.pdf

05/10/10 - ORDER DISMISSING COMPLAINT AND CLOSING DOCKET - M:/commission/orders/telecom/2010/tc08-135dcc.pdf

05/10/10 - CLOSED DOCKET - M:/close.pdf

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**Docket Synopsis :**