

RECEIVED

AUG 13 2008

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

=====

IN THE MATTER OF THE PETITION OF BROOKINGS
MUNICIPAL UTILITIES D/B/A SWIFTEL
COMMUNICATIONS FOR SUSPENSION OR
MODIFICATION OF DIALING PARITY, NUMBER
PORTABILITY AND RECIPROCAL COMPENSATION
OBLIGATIONS

TC07-007

=====

Transcript of Proceedings (Continuation)
August 6, 2008

=====

BEFORE THE PUBLIC UTILITIES COMMISSION,
GARY HANSON, CHAIRMAN
STEVE KOLBECK, VICE CHAIRMAN
DUSTY JOHNSON, COMMISSIONER

ORIGINAL

COMMISSION STAFF
Rolayne Ailts Wiest
Karen Cremer
Kara Semmler
Greg Rislov
Harlan Best
Terri LaBrie Baker

APPEARANCES
Talbot Wieczorek (by telephone)
Mary Sisak (by telephone)
Brett Koenecke

PRECISION REPORTING

Cheri Wittler, RPR, CRR



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TRANSCRIPT OF PROCEEDINGS, held in the above-entitled matter, at the State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota, on the 6th day of August 2008, commencing at 9:30 a.m.

1 CHAIRMAN HANSON: We will turn our attention then to
2 Item No. 3 on the agenda. Item No. 3 is In the Matter of the
3 Petition of Brookings Municipal Utilities Doing Business as
4 Swiftel Communications For Suspension or Modification of Dialing
5 Parity, Number Portability, and Reciprocal Compensation
6 Obligations.

7 In the matter of TC07-007 the question is shall the
8 Commission grant the Motions to Compel?

9 And I am wondering if it's -- where we ended last
10 time, if that is where we should begin this time, with Swiftel's
11 Motion to Compel filed against Sprint. That would be in 3, 8,
12 and 10.

13 Swiftel.

14 MS. SISAK: Yes. Thank you. I believe questions 3,
15 8, and 10 are very similar to questions that the parties argued
16 about in connection with the Alltel motion, and so Swiftel will
17 not pursue those questions at this time.

18 CHAIRMAN HANSON: Thank you.

19 MS. SISAK: The next question is Interrogatory 4. And
20 I received a communication from Sprint's counsel yesterday, and
21 my understanding of that communication is that they believe that
22 the question is identical to one also argued on the Alltel
23 motion, and for that reason, it appears to me that they're
24 arguing they shouldn't have to respond. But I think they're
25 incorrect.

1 Question 4 asks Sprint to identify its switches, its
2 interoffice transport routes, intercompany transmission
3 facilities, points of interconnection, a couple of other things.
4 And my recollection of the argument before the Commission on
5 that point in the Alltel motion was that Alltel was ultimately
6 ordered to respond to -- and provide information on a couple of
7 these points.

8 Where I'm going with this is simply to say that if
9 what Sprint is really proposing is that they would comply with
10 whatever the Commission Ordered in the Alltel proceeding,
11 Swiftel would agree with that as well and we won't need to
12 reargue this question.

13 CHAIRMAN HANSON: Ms. Wiest, is that your
14 understanding?

15 MS. AILTS WIEST: I guess I would just ask Sprint if
16 they agreed with -- because Ms. Sisak is correct, we did order
17 some information with respect to Interrogatory 4. So again, the
18 question to Sprint is are they going to provide that same
19 information here?

20 MR. WIECZOREK: This is Talbot Wieczorek for Sprint.
21 I believe the information that you ordered Alltel to provide I
22 had already provided as a supplemental response to Interrogatory
23 4 by Sprint. And that is the POP is in Sioux Falls connected to
24 the SDN switch and the Qwest switch. And then we also clarified
25 in response to -- in our supplemental responses in response to

1 another interrogatory that Sprint is not asking Swiftel to carry
2 traffic beyond its POP in Sioux Falls.

3 CHAIRMAN HANSON: Thank you.

4 MS. AILTS WIEST: That's correct. Except, I believe
5 if I have this -- I listened to it on-line yesterday, but with
6 respect to Interrogatory No. 4 and similarly to the Alltel
7 Interrogatory No. 4, albeit the Commission decided that it was
8 going to limit the response to the Sioux Falls switch and
9 interoffice transport routes, intercompany transmission
10 facilities, and points of interconnection with other carriers
11 that are directly connected to that point.

12 So that is my question, if Sprint will accept that
13 same ruling or -- if Swiftel and Sprint will just accept that
14 same ruling here.

15 MS. SISAK: And Swiftel will accept that same ruling
16 here.

17 MR. WIECZOREK: Yeah. And I'm not going to reargue
18 that. I would accept that ruling. I'm going to have to
19 probably listen to it, try to make sure I've got everything
20 covered then.

21 MS. AILTS WIEST: Okay.

22 MS. SISAK: I'm sorry. Are we ready to go forward?

23 CHAIRMAN HANSON: Yes. I just need a clarification.
24 When we were speaking on the first issue, Interrogatory 3, were
25 you referring to 3, 8, and 10 when you said you wouldn't be

1 arguing those?

2 MS. SISAK: Correct.

3 CHAIRMAN HANSON: Okay. Thank you. Please continue.

4 MS. SISAK: Yes. Interrogatories 5, 55, 56, and 57
5 ask questions all related to the transport and transmission
6 routes between Sprint and Mediacom, the equipment and facilities
7 that Sprint is going to use in connection with its service of
8 Mediacom, and then 56 is also asking about equipment and
9 facilities but in a slightly different way, and then 57 asks
10 that the locations of the equipment and facilities be
11 identified.

12 One of the central issues in this proceeding is the
13 cost of transporting traffic to various points. And one of the
14 other things that has been argued by Sprint and by Alltel is
15 that the way Swiftel has modeled the cost of transport is not
16 appropriate and that it's their transport, the way they've
17 modeled it is inefficient and there are alternative more
18 efficient methods that exist.

19 We are -- what we know is that there is an arrangement
20 for the use of facilities between Sprint and Mediacom. Those
21 facilities are going to be used to provide service in the
22 Brookings rate center, and we believe all of those facilities
23 are located someplace between the city of Brookings and
24 Sioux Falls.

25 And, you know, Sprint has proposed an alternative to

1 talk about Sioux Falls. But we believe that there may actually
2 be alternatives even better than that. And so what we seek to
3 do here is really have an understanding of their existing
4 facilities and their network, which they are already going to
5 use to provide service in Swiftel's service area, and it will
6 allow Swiftel then to, number one, evaluate whether the
7 alternative transport and routing methods that they are
8 proposing are, in fact, efficient or whether there may be
9 something more efficient.

10 And this does become important because the
11 Commission's choice or, you know, the Commission's ability in
12 this proceeding is not simply to select Swiftel's preferred
13 course of action or Sprint's preferred course of action, but
14 after looking at the evidence it might become clear that there
15 is another course of action that is better than either of the
16 alternatives being provided. And so we believe that this
17 information which Sprint should have readily available will
18 provide admissible evidence on that point.

19 And I would also just point out that under the
20 South Dakota Rules of Evidence, Swiftel is not limited to
21 seeking information that has to do with the points that it has
22 raised and made but it also is entitled to seek information
23 relating to any claim or defense of any party to this
24 proceeding. And that is why we believe that the information
25 being sought in 5, 55, 56, and 57 is necessary for this case and

1 our motion should be granted.

2 CHAIRMAN HANSON: Mr. Wieczorek.

3 MR. WIECZOREK: Well, I mean, if you read these
4 Interrogatories, I don't believe there is any bearing on this
5 case or that it's going to lead to anything that's real readily
6 admissible.

7 First of all, these aren't limited just to Swiftel's
8 territory. They're for the entire state. Second, you're facing
9 a situation where these look like arbitration questions. You
10 know, if -- here's how -- if Sprint's taking the position, look,
11 we're not going to have you carry any further than Sioux Falls,
12 that's at the outer reaches of Swiftel's claim for transport
13 obligation as to Sprint. Essentially, the fact that Mediacom
14 carries traffic to Sioux Falls and hands it off to Sprint, I
15 don't see what kind of bearing that has on this case.

16 The plan as laid out by Swiftel and the reason we say
17 it's efficient is it talks about using direct connects with
18 every carrier as opposed to bundling traffic. You know, the
19 fact that we have this relationship with MCC where MCC brings
20 the traffic to Sprint, Sprint takes it to Kansas City to be
21 switched, providing all this equipment information, it's not
22 going to lead to anything that this Commission or that Swiftel
23 could use to change.

24 I mean, essentially if Sprint thought there was a more
25 convenient way to hook into their system between Sioux Falls and

1 Brookings, well, then that would be Sprint. If Sprint doesn't
2 raise that or provide that information, then Swiftel doesn't
3 have to assume that there's a better connect, and Swiftel can
4 bar any testimony that there is a better way to connect to
5 Sprint somewhere closer.

6 So I don't see where it's got any relevance to this
7 proceeding or that it's going to lead to anything that's going
8 to be admissible or useful.

9 CHAIRMAN HANSON: Thank you. Ms. Wiest, did you have
10 anything?

11 MS. AILTS WIEST: Did staff --

12 CHAIRMAN HANSON: Oh, excuse me. Karen. Ms. Cremer.
13 Excuse me. Did you have anything?

14 MS. CREMER: No.

15 MS. AILTS WIEST: This is Rolayne Wiest. Based on
16 Ms. Sisak's statements, I guess it could be possible that some
17 of this information could be used as a defense to some of the
18 claims made by Sprint, and so I would recommend granting the
19 motion.

20 My only other point is could it be narrowed just to
21 the Swiftel area as opposed to I think it goes -- Mr. Wieczorek
22 mentioned it goes beyond that.

23 CHAIRMAN HANSON: I think that's a good point. Thank
24 you for adding that.

25 Commissioners, I have a tendency to believe that it is

1 too broad and would look to any discussion from you folks. Any
2 thoughts?

3 COMMISSIONER KOLBECK: I agree with those thoughts. I
4 don't think that we need to, you know, have everything under
5 God's green earth given to them. I think that narrowing it down
6 to the Swiftel area would be appropriate.

7 CHAIRMAN HANSON: Is that a motion?

8 COMMISSIONER KOLBECK: Yes.

9 CHAIRMAN HANSON: Discussion on the motion to grant
10 Interrogatories 5, 55, 56, 57, but narrow it to the Swiftel
11 area.

12 COMMISSIONER KOLBECK: Yes.

13 CHAIRMAN HANSON: Commissioner Johnson.

14 COMMISSIONER JOHNSON: Aye.

15 CHAIRMAN HANSON: Commissioner Kolbeck.

16 COMMISSIONER KOLBECK: Aye.

17 CHAIRMAN HANSON: Hanson votes yes. Motion carries.
18 Interrogatory 11.

19 MS. SISAK: Thank you. Interrogatory 11, we asked for
20 information concerning the volume of traffic sent to Swiftel for
21 termination for various time periods. And we asked for
22 different types of traffic.

23 I would note that there was a similar question posed
24 to Alltel. However, there's a difference between Sprint and
25 Alltel. Alltel is a wireless carrier, and, therefore, some of

1 the categories in Interrogatory 11 that are here were not part
2 of the Alltel request just because they apply to wireline
3 traffic and not wireless traffic.

4 In the Alltel request we had a lot of debate about
5 traffic that went through the Qwest tandem, and the Commission
6 ultimately ordered Alltel to provide information about traffic
7 through the Qwest tandem. And the same argument applies to the
8 Sprint traffic, and that is Sprint and Alltel are arguing that
9 indirect interconnections -- in fact, Mr. Wieczorek just
10 referred to it in his last argument, that indirect
11 interconnections are just as efficient as direct connections and
12 that Swiftel has incorrectly modeled the cost of transport by
13 using direct connection.

14 And Sprint has also acknowledged that it uses -- that
15 it sends traffic to Swiftel through indirect connections and
16 through the Qwest tandem. And we believe that is both wireline
17 and wireless traffic. And what we do know is that there's a lot
18 of traffic that terminates to Swiftel that is phantom traffic.
19 It comes from the Qwest tandem. We don't know who is
20 originating it. We're not able to bill recip. comp for it.
21 Qwest refuses to pay for it and claims it's not their traffic,
22 but we don't know whose traffic it is.

23 So there's definitely a question that's been raised by
24 Sprint and by Alltel concerning whether or not direct connects
25 and indirect connects are -- or indirects are just as efficient

1 as directs. And it is the provision of this kind of information
2 about volumes of traffic that will go to proving or disproving
3 that assertion.

4 I would also say that Sprint challenges the number of
5 trunks that Swiftel has estimated will be needed for traffic
6 between Sprint and Swiftel. And, therefore, the amount of
7 traffic that Sprint sends to Swiftel, just like the amount of
8 traffic that Swiftel may send to Sprint, it's that total amount
9 of traffic that will determine how many trunks are, in fact,
10 necessary.

11 And so to -- if we can get an idea of how much traffic
12 Sprint, in fact, already sends, that will give us the ability to
13 take a look at the number of trunks that we have modeled and
14 whether or not that's an accurate picture.

15 CHAIRMAN HANSON: Mr. Wieczorek.

16 MR. WIECZOREK: Well, I guess I'd stand by the
17 objection, and I know that the Commission ordered some of this.
18 And just so you know, I did talk to my Sprint contacts and they
19 said that they only keep information on a rolling 12 months. So
20 this goes back to the year 2000. So, first of all, just for
21 that date.

22 And I do have some confusion, and I believe the
23 argument kind of mixes issues on traffic. The fact that Sprint
24 might be delivering IXC traffic really is not going to have any
25 bearing on whether -- what Swiftel traffic might have to provide

1 to a CLEC. So I think the argument's flawed. I have talked to
2 a carrier regarding how long he might keep information on
3 billings from the Qwest tandem.

4 And from the standpoint of any IXC traffic, Swiftel
5 should be billing this to Sprint anyway, and they should have
6 all that number -- all of those numbers because it's billed as
7 access.

8 So I don't want to get into a big argument here. I
9 know what the Commission ordered last time was that Alltel see
10 what they can get from out of the Qwest tandem and provide that.
11 And if that's the Commission's desire here, I will certainly
12 pursue it.

13 CHAIRMAN HANSON: Ms. Cremer.

14 MS. CREMER: Staff's position would be basically what
15 Mr. Wieczorek stated at the end. If they can get the
16 information and provide it , they should.

17 CHAIRMAN HANSON: Ms. Wiest.

18 MS. AILTS WIEST: I guess I'm somewhat confused. I
19 think in the Alltel one, I thought it was Ms. Sisak that
20 narrowed it to the Qwest tandem. But you're not in this case;
21 is that correct? Or am I getting that wrong?

22 MS. SISAK: No. That is correct. And I think that's
23 because, number one, the categories of traffic being sought in
24 the original request are different. And also, although wireless
25 carriers -- you know, the designation of local traffic, toll

1 traffic is different for wireline carriers versus wireless
2 carriers and so just the -- kind of the whole way that traffic
3 is categorized by Sprint is different than what applies to
4 Alltel. And the types of traffic that Sprint sends to Swiftel
5 are different than what Alltel sends. And so that's what the
6 different questions -- the different subparts of Interrogatory
7 11 reflect that.

8 MS. AILTS WIEST: I would recommend granting it but to
9 the extent that Sprint has that information. I think there was
10 an issue about they only keep 12 months rolling numbers or
11 something.

12 MR. WIECZOREK: That's their standard policy they told
13 me so the only thing they're going to be able to find is to go
14 back 12.

15 CHAIRMAN HANSON: Thank you. Commissioners?

16 I'll move to grant Interrogatory 11 to the extent that
17 the information exists.

18 Any discussion? Commissioner Johnson.

19 COMMISSIONER JOHNSON: Aye.

20 CHAIRMAN HANSON: Commissioner Kolbeck.

21 COMMISSIONER KOLBECK: Aye.

22 CHAIRMAN HANSON: Commissioner Hanson votes yes.

23 Motion carries.

24 Next Interrogatory is Item No. 12.

25 MS. SISAK: Yes. Thank you. Item No. 12, Swiftel

1 requested information about the number of CLEC access lines that
2 Sprint has in South Dakota local exchanges, and we asked that it
3 be stated separately as to business and residential and as to
4 local or toll.

5 And, first of all, let me just explain that one of the
6 reasons why we asked for the separate information as to local
7 versus toll is it is very possible, and probably likely,
8 actually, that Sprint has toll customers in Swiftel's service
9 area but it provides no other service to them.

10 And that type of a customer, frankly, is in a
11 little -- and the information that would be associated with that
12 type of a customer is a little bit different than what would be
13 gained from understanding whether Swiftel has a customer who --
14 Sprint has a customer who is a customer for both local and toll.

15 And, again, part of this -- well, not part of it. All
16 of it goes to claims raised by Swiftel concerning its cost
17 exhibits, and also to refute claims by Sprint and Alltel
18 concerning the effect of competition of Swiftel's petition.

19 In their testimony, Sprint's testimony, Witness
20 Farrar -- I believe that's the correct pronunciation -- claims
21 that Swiftel's cost exhibits are grossly overstated because
22 Swiftel has incorrectly assumed the amount of market share it
23 will lose to Sprint. And he then offers a different calculation
24 of the projected market share that Swiftel may lose based on
25 kind of nationwide cable telephone penetration rates.

1 But we have better data than that out there, and that
2 is we have the actual -- or there should be -- Sprint should
3 have the actual penetration data of its cable services and, you
4 know, where it does this kind of a partnership with cable
5 companies. And it also is operating in South Dakota. So it has
6 the specific example of what kind of market share numbers are
7 appropriate based on its own experience in South Dakota. And,
8 of course, this actual data is much better than nationwide data
9 in predicting what might actually happen in the Swiftel service
10 area.

11 So we -- again, it's an issue that was raised by
12 Sprint. Under the Rules of Evidence, discovery is appropriate
13 to -- relating to any claim or defense raised by any party.
14 This was a claim raised by Sprint, and this information is in
15 Sprint's possession. So we believe that it should be compelled,
16 and we also believe that it will give a more accurate picture of
17 what might really happen in the Swiftel service area rather than
18 relying on nationwide numbers that may have no direct
19 application to the situation at hand.

20 CHAIRMAN HANSON: Thank you. Mr. Wieczorek.

21 MR. WIECZOREK: Well, thank you. We provided the
22 number of CLEC lines we have at the end of 2006 and 2007. Now
23 if I'm to understand Ms. Sisak's argument correctly, it assumes,
24 as I understand her argument is if we have -- she's asking also
25 for -- and this is what basically, I guess, would apply to every

1 ILEC in the state, if somebody's using our long distance service
2 we would have to give those numbers. I don't have -- I don't
3 know why that would have any impact on what the CLEC might do if
4 somebody has a Sprint long distance in Murdo, South Dakota.

5 So, you know, we've provided those lines for 2006-2007
6 in South Dakota. That would be the local lines that we've taken
7 as a CLEC. And beyond that, I don't believe anything else needs
8 to be produced.

9 It would appear she's not making the argument on
10 wireless subscribers served since she didn't argue that and
11 she's limiting this to part one. But, again, as to the wireless
12 subscribers, I -- I don't know why she would need to know what,
13 if any, penetration Sprint has for its own wireless subscribers
14 in the State of South Dakota.

15 CHAIRMAN HANSON: Thank you. Ms. Cremer.

16 MS. CREMER: Staff has no position.

17 CHAIRMAN HANSON: Ms. Wieczorek. I'm sorry.

18 Ms. Wiest.

19 MS. AILTS WIEST: I guess I would start with a
20 question, and that would be to Ms. Sisak. Are you still asking
21 for wireless subscribers?

22 MS. SISAK: You know, I -- I'm looking at my motion
23 here. I apologize, but I think there was a wireless number
24 furnished. The problem was it did not indicate exchange month
25 or year. So I think what we're seeking with respect to the

1 wireless information that was furnished was to just identify
2 what it applies to, month and year and exchange.

3 MS. AILTS WIEST: Well, to the extent that they
4 actually have that information, Sprint has that or keeps it in
5 that manner, I think it should be provided, Interrogatory 12.

6 CHAIRMAN HANSON: And they're asking for seven years?

7 MS. AILTS WIEST: I believe that's with respect to the
8 wireless. But she said she had the numbers.

9 MR. WIECZOREK: Yeah. I'm sorry, Ms. Wiest. I'm
10 looking at our responses. And we did not provide wireless. We
11 provided our CLEC lines in response to 1. And in response to 2,
12 actually, all we provided was "None." And I apologize. I think
13 that answers that. And that's -- as I'm sure the Commission's
14 aware, Swiftel operates under the Sprint name in South Dakota
15 and I don't believe Sprint actually has its own presence in
16 South Dakota.

17 MS. AILTS WIEST: So it appears that the answer to
18 subpart 2 -- so it looks like it would be back to subpart 1 and
19 they've already stated the number of access lines. You just
20 want it now broken down; is that correct, Ms. Sisak?

21 MS. SISAK: Well, yes. And if I understand -- let's
22 take it piece by piece. One is business versus residential, and
23 one is local versus toll. On local versus toll, if I understand
24 what Mr. Wieczorek said, all the access lines they provided are
25 local. They did not provide toll only. And if that is in fact

1 true, we will accept that as their answer.

2 CHAIRMAN HANSON: Mr. Wieczorek.

3 MR. WIECZOREK: That's my information, and I will
4 confirm that. And if those numbers contain something besides --
5 also contain toll, I will clarify that with Ms. Sisak.

6 MS. SISAK: Okay. And then we asked that they be
7 stated separately as to business and residential. And part of
8 that -- the reason why is because the usage patterns on business
9 customers versus residential customers are different. The
10 amount of traffic that you can expect associated with a business
11 customer versus a residential customer is different.

12 So if, you know, the vast majority of lines that
13 Sprint normally captures with respect to its CLEC business are
14 business lines, that would result in a different calculation as
15 to how much traffic that might really represent, and it would
16 also result in a different calculation as to, frankly, the
17 revenue lost to Swiftel versus if the vast majority of the lines
18 they capture are residential. And so that's why we requested
19 the breakout between residential and business.

20 MS. AILTS WIEST: Well, then my recommendation would
21 be that they provide that information to the extent that they
22 have it.

23 CHAIRMAN HANSON: So the only thing that's left is
24 Sprint providing information to Swiftel on the breakdown between
25 business and residential for how many years? Just to the extent

1 that --

2 MS. AILTS WIEST: Right. To the extent they've
3 already provided the other years for the total CLEC access
4 lines.

5 CHAIRMAN HANSON: And how many years are being
6 requested? Just -- excuse me. Mr. Wieczorek.

7 MR. WIECZOREK: She's requested back to 2000,
8 Mr. Chairman, but we only have lines going back to 2006.

9 CHAIRMAN HANSON: All right. Thank you. I would make
10 a motion that Sprint provide the information to Swiftel for
11 business and residential breakdown for the years 26 and 27 --
12 I'm sorry. 2006 and 2007.

13 COMMISSIONER KOLBECK: Provided they have it; right?

14 CHAIRMAN HANSON: That's correct. Thank you,
15 Commissioner. Any further discussion?

16 Commissioner Johnson.

17 COMMISSIONER JOHNSON: Aye.

18 CHAIRMAN HANSON: Commissioner Kolbeck.

19 COMMISSIONER KOLBECK: Aye.

20 CHAIRMAN HANSON: Hanson votes aye. Motion carries.
21 Interrogatory No. 14.

22 MS. SISAK: Yes, Commissioner. Swiftel has decided
23 for various reasons, including the fact that Sprint has provided
24 some of the information, not to pursue Interrogatory 14, 17, 18,
25 19, 44, or 45.

1 CHAIRMAN HANSON: Thank you. So we're on
2 Interrogatory 63.

3 MS. SISAK: Yes. Interrogatory 63, Swiftel has asked
4 Sprint to provide projected revenues for their CLEC operation in
5 Swiftel's service area for five years and provide any projected
6 revenue report prepared for your CLEC operation in Swiftel's
7 service area.

8 And the reason for this request closely follows the
9 one that we just argued. The revenues that Sprint anticipates
10 receiving in connection with its CLEC business will, in fact,
11 be -- can be used as really to kind of confirm again what they
12 anticipate is really going to happen in the Swiftel marketplace
13 in terms of the amount of traffic that Swiftel may ultimately
14 have to transport to some point beyond its network and also in
15 terms of the revenue impact to Swiftel.

16 And, of course, the first point is very much a part of
17 Swiftel's cost showing about the cost of transport, and the
18 second point is very much a part of Swiftel's showing with
19 respect to burden and also with respect to public interest.

20 CHAIRMAN HANSON: Thank you. Mr. Wieczorek.

21 MR. WIECZOREK: Thank you, Mr. Chairman. You know, I
22 think it's inappropriate given that these two carriers -- this
23 is all about the CLECs' applications. I mean, essentially
24 they're trying to figure out our business model and what kind of
25 competition is going to come in and do that -- do some of those

1 projections. And we've discussed this in other Motions to
2 Compel.

3 You know, we're going to give them the numbers that
4 we've got in South Dakota and the other markets. We've given
5 them the national averages as we understand them so they can do
6 some estimations. In fact, to go to a competitor and say, hey,
7 give us what you think your revenue's going to be when you
8 compete with us for the next five years and your projected net
9 income, which is 66, I think are inappropriate, and I don't
10 think they lead to anything in this case.

11 She can look at the historical documents and she can
12 look at the national average in coming up with her studies or
13 her numbers. And I think those are sufficient. To the extent
14 that we made any projections as to entering the market, I don't
15 think those are appropriate to provide at this proceeding where
16 the focus is on -- you know, the focus rests on Swiftel to prove
17 economic harm.

18 The other thing -- I don't even know what they might
19 have for any kind of projections but likely they would include
20 what they might pick up for IXC traffic. And that would have no
21 bearing on this proceeding as to who the toll carrier's going to
22 be.

23 CHAIRMAN HANSON: Thank you. Ms. Cremer.

24 MS. CREMER: Staff would recommend denying that.

25 CHAIRMAN HANSON: Ms. Wiest.

1 MS. AILTS WIEST: I guess I'm not quite sure how
2 projected revenues would lead to relevant information.

3 MS. SISAK: May I respond to Ms. Wiest's comment?

4 CHAIRMAN HANSON: You may.

5 MS. SISAK: You know, the information that we sought
6 in the previous question had to do with Sprint's actual
7 experience in other markets. And the information that we're
8 seeking in Interrogatory 63 is what Sprint projects will
9 actually happen in this market in the Brookings market. So what
10 happened in other South Dakota markets I think is certainly an
11 indication of what may happen in the city of Brookings. But,
12 you know, the city of Brookings is a unique market, and I
13 suspect that Sprint has studied that, and it might just be that
14 the -- what's going to happen in Swiftel is going to be
15 different than what happened in other markets in South Dakota.

16 And so to the extent that Sprint has any, you know,
17 projections of what they think is really going to happen, that
18 would give us an even more accurate picture of what the
19 transport costs really would be to Swiftel and also what the
20 revenue impact really would be to Swiftel of the various
21 proposals raised by Sprint.

22 MR. WIECZOREK: Mr. Chairman, the problem you run into
23 is any revenues are going to include long distance and the fact
24 that you're going to be offering a triple play.

25 Take, for instance, the college of SDSU where most

1 students have gone to just wireless phones but have cable into
2 their dorm rooms. Well, some of the students may elect to start
3 carrying phones with that cable in the package but that doesn't
4 have any impact on Swiftel because they're not customers they
5 have at this point.

6 So, you know, I don't see where revenues -- net income
7 can be used as a match. It's what kind of penetration it's
8 gotten, what's the national average would make more sense.

9 CHAIRMAN HANSON: Mr. Rislov.

10 MR. RISLOV: Thank you, Chairman. This is Greg Rislov
11 and I wanted to make a comment on this five year going out into
12 the future look. It's so dependent on business plans, on
13 pricing, on a whole host of factors. The one thing that we're
14 looking at here, I guess, is a crystal ball that I think has
15 just got very little value for determining the effect of what I
16 think Swiftel is looking for.

17 Yes, it would be nice to know what Sprint's plans are,
18 I suppose, but, frankly, I don't know who's going to invest in
19 any one of these companies based upon their five-year plan at
20 this point. I just think that's gone way beyond what they need
21 to receive.

22 CHAIRMAN HANSON: Thank you. Commissioners?

23 COMMISSIONER KOLBECK: I'll motion to deny
24 Interrogatory 63 and 66.

25 CHAIRMAN HANSON: Discussion? Commissioner Johnson.

1 COMMISSIONER JOHNSON: Aye.

2 CHAIRMAN HANSON: Commissioner Kolbeck.

3 COMMISSIONER KOLBECK: Aye.

4 CHAIRMAN HANSON: Hanson votes aye. Motion carries.
5 Interrogatory 33 and 34.

6 MS. SISAK: Excuse me. Just one point of
7 clarification. We were not arguing Interrogatory 66 and, in
8 fact, Swiftel is not pursuing Interrogatory 66 so I regret if
9 there was any inconvenience. I believe Mr. Wieczorek brought
10 that into the discussion but I did not.

11 COMMISSIONER KOLBECK: Okay.

12 CHAIRMAN HANSON: I believe Commissioner Kolbeck has
13 just amended his motion to include 63 and not 66.

14 COMMISSIONER KOLBECK: I will amend my motion, yes.

15 CHAIRMAN HANSON: And you are not pursuing 66; is that
16 correct?

17 MS. SISAK: Yes. That is correct.

18 CHAIRMAN HANSON: Thank you. So we are on
19 Interrogatory 33?

20 MS. SISAK: Correct.

21 MS. AILTS WIEST: Are you going to vote on the amended
22 motion?

23 CHAIRMAN HANSON: No. I'll allow the -- seeing no
24 disagreement from any of the Commissioners, it's easier to just
25 simply amend it unless you think we should take an official

1 action. I think the Commission's position is clear. But on
2 the -- I will accept a substitute -- excuse me. We've already
3 voted on it so I can't have a substitute motion.

4 MS. SISAK: Well, if it makes it easier then I'll just
5 withdraw my comment.

6 CHAIRMAN HANSON: Well, I like to do everything right.
7 I'll accept a motion by Commissioner Kolbeck to reconsider the
8 vote and -- to reconsider the motion of 63 and 66 and to amend
9 the motion to read that the Commission deny Interrogatory 63.
10 Any discussion on that motion?

11 Commissioner Johnson.

12 COMMISSIONER JOHNSON: Aye.

13 CHAIRMAN HANSON: Commissioner Kolbeck.

14 COMMISSIONER KOLBECK: Aye.

15 CHAIRMAN HANSON: Hanson votes yes. Motion carries.
16 We are on Interrogatory 33.

17 MS. SISAK: Thank you. Again, Interrogatory 33, I
18 received an e-mail message from Mr. Wieczorek, and if I
19 understand his message correctly, he states that as to 33,
20 Sprint would concede, like Alltel did, that it can occur that
21 people receive wireless numbers rated to areas other than where
22 they live.

23 If I recall correctly, I believe that with respect to
24 Interrogatory -- the same -- or the very similar Interrogatory
25 which was posed to Alltel, the Commission did require Alltel to

1 respond to the two specific questions that are subparts to
2 Interrogatory 33.

3 I make that comment just based on my memory so it is
4 subject to check. But to the extent that the Commission did
5 require a specific response to the two subparts with respect to
6 Alltel, we would ask that the same apply to Sprint. In essence,
7 Swiftel agrees to whatever the Commission ordered on the Alltel
8 question should apply to this question and if Sprint accepts
9 that, then we don't need to reargue.

10 CHAIRMAN HANSON: Mr. Wieczorek.

11 MR. WIECZOREK: Yeah. I don't have the same memory.
12 As I recall, there was a discussion. The discussion was that --
13 the statement I made was, look, Alltel acknowledges that
14 somebody in Sioux Falls could come in, get a line there, and
15 actually live maybe in Alliance territory but have a P.O. Box or
16 something in Sioux Falls. So, yes, it occurs that people
17 receive numbers rated different than where they live.

18 And I recall that Ms. Sisak said, look, she would
19 accept that statement. And I don't recall the Commission
20 ordering anything after that.

21 I did send an e-mail saying, you know, Sprint -- same
22 thing can occur with Sprint. Sprint agrees the same thing can
23 occur. And, in fact, for 33 it needs to be remembered that this
24 is asking what occurs nationwide for Sprint. Sprint doesn't, as
25 a wireless carrier, truly operate in South Dakota. So I'm not

1 sure as to whether there's any bearing on what's occurring in
2 this proceeding as to what might occur on the east or west
3 coast. But I gave that same concession when I checked back with
4 Sprint because that had been acceptable is my understanding to
5 Ms. Sisak last week.

6 MS. AILTS WIEST: According to my notes, I believe
7 we're talking about Alltel Interrogatory 19; is that correct?

8 MR. WIECZOREK: 19 and -- yeah. 19.

9 MS. AILTS WIEST: For 19, my notes say, "No motion was
10 necessary to compel."

11 MR. WIECZOREK: Right. That's what I recall because
12 when the concession was granted, there was no motion needed to
13 ask for that.

14 MS. AILTS WIEST: Right. So is any motion required
15 here, Ms. Sisak?

16 MS. SISAK: Well, you know, I apologize. I don't have
17 the transcript from the hearing, and I just don't recall, but I
18 guess what I am proposing is that I will check the transcript
19 and to the extent the discussion basically resulted in the
20 provision of this information, you know, we would accept that
21 and to the extent that the discussions resulted in that this
22 information not be provided, we would accept that.

23 MS. AILTS WIEST: Okay. Then I think we can move
24 forward; is that correct?

25 MS. SISAK: Well, I guess the question to Sprint is

1 whether they would accept those -- they would agree to abide
2 whatever the discussion in the transcript said.

3 MR. WIECZOREK: From last week?

4 MS. SISAK: Yes.

5 MR. WIECZOREK: As I recall it, I have done that, and
6 so -- I've agreed to do what Alltel did last week.

7 MS. SISAK: Okay. Well, then I think we can move on.

8 CHAIRMAN HANSON: Thank you.

9 MS. SISAK: Interrogatory 34, we specifically asked
10 whether Sprint wireless intend to assign telephone numbers rated
11 to the Brookings rate center and populate the LERG directing
12 Swiftel's originating call to the numbers to be routed to
13 Minneapolis. And this in part addresses, frankly, part of
14 Sprint's objection to Interrogatory 33. This is specifically
15 related to the service that Sprint intends to provide in the
16 Swiftel service area, and it, frankly, also, I believe, goes to
17 Sprint's claim that it will not seek transport to any point
18 beyond Sioux Falls.

19 So if that is, in fact, a true statement, I believe
20 the answer to this question should be no, that they won't
21 populate the LERG to direct calls to be routed to Minneapolis.
22 And I guess I wonder in light of Sprint's previous statements
23 why they object to this question.

24 MR. WIECZOREK: Well, Mr. Chairman, we object because
25 it doesn't have any bearing on the case. Ms. Sisak's correct,

1 we have stated we're not going to require them to carry traffic
2 beyond Sioux Falls. And Sprint's not operating in the Brookings
3 territory as a wireless carrier at this point.

4 CHAIRMAN HANSON: Thank you. Ms. Cremer.

5 MS. CREMER: Staff would recommend denial.

6 CHAIRMAN HANSON: Ms. Wiest.

7 MS. AILTS WIEST: I guess I'm just kind of confused by
8 it. Because as they said, they said that they don't operate and
9 so how is that relevant, Ms. Sisak?

10 MS. SISAK: Well, Ms. Wiest, that's an excellent
11 question. We many times asked Sprint why their arbitration
12 included wireless traffic since they do not operate in Swiftel's
13 service area. But Sprint insisted that wireless traffic be part
14 of the arbitration.

15 I would also note that Sprint does have frequencies,
16 the license to operate in Swiftel's service area so I could only
17 surmise that although they do not currently operate in Swiftel's
18 service area, they plan to. So I think it's a little
19 disingenuous for Mr. Wieczorek to argue now that they shouldn't
20 have to answer this question because they currently don't
21 operate but yet in the other proceeding they kept insisting that
22 wireless traffic needed to be part of the interconnection
23 agreement because they had the right to operate.

24 MS. AILTS WIEST: Well, to the extent this could be
25 relevant to their claim that they won't seek transport beyond

1 Sioux Falls, then I think it could be granted.

2 CHAIRMAN HANSON: Thank you. Commissioners? I will
3 make a motion on item -- this is 34 -- that to the -- would you
4 restate that for me again.

5 MS. AILTS WIEST: I think the argument was to the
6 extent that this would support -- or goes to Sprint's claim that
7 they would not seek transport beyond Sioux Falls, then it could
8 be answered. I'm not sure you actually need that in your
9 motion.

10 CHAIRMAN HANSON: I always enjoy it when you say that
11 you're confused because it gives me somewhat of a safe harbor
12 when I look at some of these issues as well and try and figure
13 out how do we phrase -- Mr. Wieczorek.

14 MR. WIECZOREK: Yeah. You know, Sprint has stated in
15 its supplemental responses that they're not going to take a
16 position that Swiftel has to carry beyond Sioux Falls. And that
17 would apply to this question also. And as to the -- you know,
18 the reason wireless minutes are in there is we're talking
19 about -- there could be wireless minutes delivered by Sprint
20 from other -- from outside the state potentially over the line.
21 And, you know, I -- we're not litigating the arbitration here,
22 as far as I know Sprint is not planning a rollout of wireless in
23 the state in the near future.

24 CHAIRMAN HANSON: So, Ms. Sisak, in light of that,
25 what needs to be compelled?

1 MS. SISAK: Well, I believe that the -- that what
2 should be compelled is for Sprint to simply answer the question.
3 It's all well and good for Mr. Wieczorek to make representations
4 in this hearing, but, again, we didn't just ask this question,
5 whatever, to impose some kind of burden on Sprint. We asked it
6 because, frankly, of contradictory statements that were --
7 statements we believe appear to be somewhat contradictory and
8 we're trying to pin down what the truth is.

9 And it would seem to me that, again, if the answer is
10 that they won't require routing to Minneapolis, then the simple
11 answer to the question is no.

12 CHAIRMAN HANSON: Commissioners, do you see anything
13 that needs to be compelled in Item 34?

14 COMMISSIONER JOHNSON: Well, Mr. Chairman, if I could,
15 I would just have one more question for Ms. Sisak.

16 CHAIRMAN HANSON: Please.

17 COMMISSIONER JOHNSON: I mean, it seems to me that,
18 you know, Interrogatory 34 asks if Sprint intends to assign
19 telephone numbers. I mean, I don't know, Ms. Sisak, but I would
20 look at it and I would say that a commitment by Sprint in their
21 filings would carry more weight than an answer what they intend
22 to do at this moment in time. Where am I wrong? I mean,
23 certainly intentions, I mean, their answer to Interrogatory 34
24 doesn't bind them to anything. They may change their intentions
25 down the road.

1 MS. SISAK: You're correct. And that also applies,
2 frankly, to their filing. And, again, what we are reacting to
3 here is the fact that we already have statements made by Sprint
4 and, frankly, these will be statements that are presented during
5 cross-examination, where Sprint seems to be making statements
6 that contradict each other. And this is a further attempt on
7 our part to pin them down.

8 The one thing about an Interrogatory, Commissioner,
9 that is different than their petition, they must support their
10 Interrogatory with an Affidavit. So that is a sworn statement.
11 Whereas, the petition that they filed is not a sworn statement
12 and will not be -- will basically have no whatever, factual heft
13 until it is admitted at hearing. But the response to this
14 Interrogatory will be supported or should be supported by an
15 Affidavit and that will give us a sworn statement by Sprint
16 concerning their intent.

17 COMMISSIONER JOHNSON: Thank you.

18 CHAIRMAN HANSON: Commissioners? Is there a motion on
19 Item 34?

20 COMMISSIONER JOHNSON: Mr. Chairman, I would deny the
21 Motion to Compel for Interrogatory 34.

22 CHAIRMAN HANSON: Discussion?

23 Commissioner Johnson.

24 COMMISSIONER JOHNSON: Aye.

25 CHAIRMAN HANSON: Commissioner Kolbeck.

1 COMMISSIONER KOLBECK: Aye.

2 CHAIRMAN HANSON: Hanson votes aye. Motion carries.
3 Interrogatory 35.

4 MS. SISAK: Interrogatory 35, we ask a question
5 concerning testimony filed by Mr. Burt, a Sprint witness, where
6 Mr. Burt represents that factors can be applied effectively
7 without disturbing appropriate compensation methods. And what
8 we asked Sprint to do is to provide the evidence essentially
9 that would support their claim. And we asked them to provide
10 interconnection agreements that they have with other rural ILECs
11 and to state what the factor is and then to also provide the
12 actual minutes of use that correspond to the factor. And that
13 will allow Swiftel to examine whether Mr. Burt's statement is,
14 in fact, supported by facts.

15 CHAIRMAN HANSON: Mr. Wieczorek.

16 MR. WIECZOREK: Well, as I said in my argument, you
17 know, Mr. Burt states the standard operating procedure used for
18 the great majority of interconnection agreements. The
19 Interrogatory would have Sprint review every interconnection
20 agreement it might have with a rural LEC anywhere in the
21 United States for the last three years and then provide
22 supporting documentation including actual minutes of use that
23 correspond to the traffic factor. I think it's fairly clear
24 that's an overly broad, unduly burdensome request and has --
25 even if you could argue it has some central merit in this case,

1 such a broad request is unjustified and inappropriate.

2 CHAIRMAN HANSON: Ms. Cremer.

3 MS. CREMER: Staff believes it's overly broad,
4 burdensome, not relevant and would recommend denial.

5 CHAIRMAN HANSON: Ms. Wiest.

6 MS. AILTS WIEST: To the extent they are -- you know,
7 this would involve hundreds or thousands of interconnection,
8 agreements it does seem overly broad to me.

9 CHAIRMAN HANSON: Commissioners?

10 COMMISSIONER KOLBECK: Motion to deny Interrogatory
11 35.

12 CHAIRMAN HANSON: Discussion? Commissioner Johnson.

13 COMMISSIONER JOHNSON: Aye.

14 CHAIRMAN HANSON: Commissioner Kolbeck.

15 COMMISSIONER KOLBECK: Aye.

16 CHAIRMAN HANSON: Hanson votes aye. The motion
17 carries.

18 Interrogatory 42. Ms. Sisak.

19 MS. SISAK: Well, I'm actually looking at
20 Interrogatory 42. I believe -- I'm checking back here on
21 Interrogatory 11. I believe that because Interrogatory 11 was
22 compelled that we cannot pursue Interrogatory 42.

23 CHAIRMAN HANSON: Thank you. I'm assuming that's all
24 right with Mr. Wieczorek.

25 Interrogatory 43.

1 MS. SISAK: Interrogatory 43, yes, we asked Sprint to
2 detail all the efforts that it's undertaken, Sprint wireless, to
3 get IXCs to enter into access agreements. And this
4 Interrogatory is directly related to the accuracy of Mr. Burt's
5 testimony at page 23 where he challenges Swiftel's statements
6 regarding wireless carriers and access revenues in which
7 Mr. Burt states that Sprint has not been successful in getting
8 IXCs to enter into such agreements. And we are -- well,
9 frankly, in part the question basically asks, well, have you
10 even tried. And so we are simply asking Sprint wireless to
11 provide the support to the statement that they make that they
12 have not been successful in getting IXCs to enter into
13 agreements.

14 CHAIRMAN HANSON: Mr. Wieczorek.

15 MR. WIECZOREK: Well, again, I don't know why it's
16 relevant or likely to lead to admissible evidence in this case.
17 Additionally, it's detail all efforts. I think if the question
18 is simply confirm that you have attempted, I'm sure I can get an
19 answer to that. But to try to run down everybody connected with
20 a wireless arm that may have tried in all 50 states to deal with
21 IXCs I think is overly broad and unduly burdensome, not relevant
22 to these proceedings or likely to lead to admissible evidence.

23 CHAIRMAN HANSON: Ms. Cremer.

24 MS. CREMER: To the extent that Sprint can confirm
25 that Sprint has attempted, they should do that. Otherwise, it's

1 overly broad, burdensome, and not relevant, and I would deny to
2 that extent, other than, as I said, if Sprint can confirm the
3 mere statement they have attempted.

4 CHAIRMAN HANSON: Ms. Wiest.

5 MS. AILTS WIEST: I would agree with Ms. Cremer. Also
6 I think it's pretty vague. I don't know what "detail all
7 efforts" would actually mean.

8 CHAIRMAN HANSON: Commissioners?

9 COMMISSIONER KOLBECK: What would your suggestion to
10 confirmation be? A letter, a written statement, or just a
11 simple yes or no?

12 MS. CREMER: Mr. Wieczorek may want to address what he
13 can provide.

14 MR. WIECZOREK: Well, it's an Interrogatory so I would
15 provide a statement subject to the sworn Affidavit.

16 CHAIRMAN HANSON: That --

17 MR. WIECZOREK: That the Sprint wireless has attempted
18 to get IXCs to enter into access agreements and has been
19 unsuccessful to get them to agree to pay access.

20 CHAIRMAN HANSON: Thank you. Is that your motion?

21 COMMISSIONER KOLBECK: That is my motion; that in
22 Interrogatory 43 that we ask Sprint for confirmation that they
23 have attempted to enter into agreements with IXCs.

24 CHAIRMAN HANSON: Or that their witness overspoke?

25 Ms. Sisak, were you attempting to say something?

1 MS. SISAK: Yes, I was. I think if I may, the motion
2 that's proposed would simply ask Sprint to confirm that the
3 vague and unsupported statement made in their testimony is their
4 vague and unsupported statement. And I would make a couple of
5 comments. One is there's only a handful of nationwide IXCs in
6 the U.S. And Sprint does not have legions and legions of people
7 that deal with those handful of IXCs. They have a few and their
8 sole job in life is to deal with those IXCs.

9 And so for Mr. Wieczorek to make the representation
10 that any Sprint employee, whatever, any one of the 56,000
11 employees that they have might have made a communication to AT&T
12 or to MCI or to Sprint to seek getting access charges is just
13 not an accurate picture of how interexchange carriers and local
14 exchange carriers operate.

15 So I don't think this question is as burdensome as
16 Mr. Wieczorek is leading people to believe, and I would suggest
17 that it could be narrowed by making it very specific. Whether,
18 you know, Sprint has made any overtures to the interexchange
19 carriers in South Dakota, for example. And if they have, to
20 simply indicate at what level, you know, and the date that that
21 overture was made.

22 CHAIRMAN HANSON: Commissioner Kolbeck, do you have a
23 motion on the table?

24 COMMISSIONER KOLBECK: Yeah. I'll continue to have my
25 motion and I would just venture to say the chance to narrow the

1 Interrogatories has probably come and gone and now that it's in
2 front of us I'll just stick with my motion that they can confirm
3 that they made attempts to -- with IXCs.

4 CHAIRMAN HANSON: Thank you. Discussion on the
5 motion? Commissioner Johnson.

6 COMMISSIONER JOHNSON: I'll vote aye.

7 CHAIRMAN HANSON: Commissioner Kolbeck.

8 COMMISSIONER KOLBECK: Aye.

9 CHAIRMAN HANSON: Commissioner Hanson votes yes.
10 Motion carries.

11 Interrogatory 46.

12 MS. SISAK: One moment. I'm making a note.

13 Interrogatory 46, Sprint has provided an answer and so we are
14 not pursuing that.

15 CHAIRMAN HANSON: Interrogatory 49.

16 MS. SISAK: Interrogatory 49, we have asked Sprint to
17 identify the contract that is entered into with MCC. And this
18 actually goes back to one of the earlier Interrogatories that I
19 believe the Commission has compelled, which 5, 55, 56, and 57,
20 which asks Sprint to identify planned and shared transport
21 facilities, equipment facilities, and other such things with
22 MCC, and the identification of the agreement is the document
23 that Sprint and MCC have represented basically reflects all of
24 their arrangements. And so we have asked them to identify that
25 document.

1 CHAIRMAN HANSON: Thank you. Commissioner --
2 Mr. Wieczorek.

3 MR. WIECZOREK: Well, this is the contract between MCC
4 and Sprint. This Commission's heard a lot about this over the
5 last several months. It's not relevant to these proceedings.
6 If Commission wants me to provide what is your network that you
7 work with with MCC between Sioux Falls and the Swiftel
8 territories, I understand -- the Order's been entered to provide
9 that information. That's sufficient information to provide,
10 whether there's a better place for Swiftel to interconnect with
11 Sprint.

12 The contract that contains how they're going to work
13 together is not relevant in these proceedings for any of that
14 information. It's not likely to lead to admissible evidence.
15 And I think it should be denied.

16 CHAIRMAN HANSON: Ms. Cremer.

17 MS. CREMER: Staff believes it's not relevant and
18 would deny.

19 CHAIRMAN HANSON: Ms. Wiest.

20 MS. AILTS WIEST: Yeah. I think we've already told
21 them to provide the network. I'm not quite sure what more the
22 contract would give to them.

23 CHAIRMAN HANSON: Commissioners?

24 COMMISSIONER JOHNSON: I'd move that the Commission
25 deny the Motion to Compel Interrogatory 49.

1 CHAIRMAN HANSON: I'm sorry. You made the motion
2 to --

3 COMMISSIONER JOHNSON: Deny.

4 CHAIRMAN HANSON: Okay. Thank you. Discussion?
5 Commissioner Johnson.

6 COMMISSIONER JOHNSON: Aye.

7 CHAIRMAN HANSON: Commissioner Kolbeck.

8 COMMISSIONER KOLBECK: Aye.

9 CHAIRMAN HANSON: Hanson votes yes. Motion carries.
10 Interrogatory 64.

11 MS. SISAK: Excuse me one moment. Interrogatory 64, I
12 believe Sprint has provided some information and so we are not
13 pursuing that.

14 CHAIRMAN HANSON: Thank you. Interrogatory 68.

15 MS. SISAK: Yeah. Interrogatory 68, we asked Sprint
16 to -- we asked that they identify their CLEC connection to the
17 Mediacom network in attachment 4 that they submitted with their
18 proposal. And, again, this is really asking them to explain an
19 attachment that they have submitted. And it also relates to
20 Interrogatories 5, 55, 56, and 57 where they were asked to
21 identify various facilities. And this just really clarifies
22 information they've provided.

23 CHAIRMAN HANSON: Mr. Wieczorek.

24 MR. WIECZOREK: Well, Commissioner, I think, the Order
25 that you gave me -- or that you entered earlier to explain how

1 the network between Swiftel and Sprint, that that's probably
2 going to get assumed in identifying the CLEC connection. So
3 I -- I guess I would treat that as part of their earlier Motion
4 to Compel is to identify that connection.

5 MS. SISAK: If I understand Mr. Wieczorek's comment, I
6 think he's saying that Sprint agrees to do this, and that is
7 sufficient for Swiftel.

8 CHAIRMAN HANSON: Thank you. Interrogatory 69.

9 MS. SISAK: Interrogatory 69, Sprint has provided an
10 answer, and, therefore, we will not pursue it.

11 CHAIRMAN HANSON: Thank you. Request for Production
12 1.

13 MS. SISAK: Request for Production 1, Sprint's
14 object -- we basically asked them to provide the documents that
15 they relied on to support their Answers to Interrogatories. And
16 Sprint objected on the basis that they had objected to the
17 Interrogatories and, therefore, they objected to providing any
18 documents associated with the Interrogatories.

19 And through this process, this Motion to Compel
20 process, and also through the negotiation process that we had
21 earlier with Sprint, Sprint has, in fact, now answered all of
22 the questions that they previously objected to.

23 And so what we are simply requesting is that to the
24 extent they either answered questions or they have been
25 compelled to answer questions, that they provide the documents

1 that they relied on to support those answers.

2 CHAIRMAN HANSON: Mr. Wieczorek.

3 MR. WIECZOREK: To the extent it's necessary to review
4 a specific document, I guess I don't see an objection to that.
5 However, if we've got to look for just -- get some data manuals
6 or something like that to determine what exists, some of this
7 might be very -- well, to the extent that we need to rely on a
8 document to provide the information, we'll produce.

9 MS. SISAK: And that's sufficient for Swiftel.

10 CHAIRMAN HANSON: Thank you. Request for Production
11 2.

12 MS. SISAK: Request for Production 2 asked for a copy
13 of the agreement. And in light of the Commission's motion to
14 deny our request that they identify the agreement, I'm assuming
15 that this will be denied as well.

16 CHAIRMAN HANSON: Are you withdrawing, or do you wish
17 us to make the motion?

18 MS. SISAK: I think I'd like you to make the motion.

19 CHAIRMAN HANSON: All right. Is there a motion? I
20 will move that the Request For Production 2 be denied. Is there
21 any discussion?

22 Commissioner Johnson.

23 COMMISSIONER JOHNSON: Aye.

24 CHAIRMAN HANSON: Commissioner Kolbeck.

25 COMMISSIONER KOLBECK: Aye.

1 CHAIRMAN HANSON: Hanson votes yes. Motion carries.
2 Request for Production 8.

3 MS. SISAK: Request for Production 8, Sprint answered.
4 Actually, 8 and 11 Sprint answered, and, therefore, we're not
5 pursuing.

6 CHAIRMAN HANSON: Request for Production 13.

7 MS. SISAK: Request for Production 13 and 15 are
8 essentially the same as 2, which has been denied. And,
9 therefore, we are not pursuing.

10 CHAIRMAN HANSON: Request for Production 17.

11 MS. SISAK: And we are not pursuing Request For
12 Production 17.

13 CHAIRMAN HANSON: Thank you. We'll turn to Alltel's
14 Motion to Compel that was filed against Swiftel.

15 Interrogatory 3.

16 MR. WIECZOREK: Sorry. I missed that, Mr. Chairman.
17 Let me pull up that document. We've narrowed Interrogatory 3 as
18 it sought various capacity. Swiftel has stated that they are
19 operating at near capacity so what we just want to know is what
20 type of capacity they currently have. So that's the -- as to
21 their transport route. That's what we're requesting. I think
22 the actual capacity being used is relevant to make a
23 determination of what capacity they have to have.

24 CHAIRMAN HANSON: Thank you. Ms. Sisak.

25 MS. SISAK: Yeah. If I understand Mr. Wieczorek's

1 comment, he's further limited this question to asking Swiftel
2 for what capacity they currently have. Is that a correct
3 understanding?

4 MR. WIECZOREK: Yeah. And I believe that's what we
5 had provided for a limitation in our conference call.

6 MS. SISAK: Yes. Well, I will disagree with that
7 representation. But for the purposes of this meeting I would
8 also further point out that we provided information on a number
9 of transmission routes and some of which -- you know, for
10 example -- I'm sorry. I'm trying to find this.

11 For example, we have said that the intercarrier
12 transport route -- I'm sorry. That we lease capacity for our
13 intercarrier transport route to SDN and, therefore, there is no
14 excess capacity. That is actually different than the other
15 circumstances that are referred to in our response. With
16 respect to the intercarrier transport routes, Swiftel does not
17 have any facilities. It simply purchases what it uses. And so
18 we believe that our answer with respect to that is complete and
19 that Sprint's further narrowing of the question does not apply
20 to that at all.

21 However, with respect to the EAS route, we would agree
22 to provide the current capacity.

23 MR. WIECZOREK: Well, Mr. Chairman, I guess the
24 question would be then is if you could provide what's being
25 leased so we know what they're using, that would -- we would

1 also ask that that be provided.

2 MS. SISAK: May I respond to Mr. Wieczorek's further
3 question?

4 CHAIRMAN HANSON: Please.

5 MS. SISAK: Alltel's argument as to why Swiftel needed
6 to provide capacity and the -- whatever, amount of excess
7 capacity was to make the argument that if there is excess
8 capacity, it could be used for the traffic that is subject to
9 this suspension petition and, therefore, Swiftel would not need
10 to install new facilities.

11 But when we're talking about a route where Swiftel
12 essentially owns no capacity and simply purchases the amount
13 that it currently uses, then what you're talking about is the
14 potential capacity that some third-party carrier might have.
15 And that's not in Swiftel's possession. That's not information
16 about Swiftel. That's not in Swiftel's possession. So we would
17 object to the implication that somehow Swiftel could provide
18 that information with respect to transport routes to SDN.

19 CHAIRMAN HANSON: Thank you. Ms. Cremer.

20 MS. CREMER: To the extent that Alltel has narrowed
21 the question and to the extent that Swiftel has the information
22 and is capable of providing it, staff would recommend granting
23 it.

24 CHAIRMAN HANSON: Ms. Wiest.

25 MS. AILTS WIEST: I agree with staff.

1 CHAIRMAN HANSON: Commissioners.

2 COMMISSIONER KOLBECK: I'll move to grant
3 Interrogatory 3.

4 CHAIRMAN HANSON: To the extent that the information
5 exists, and you'd agree that Sprint has agreed to provide the
6 information?

7 MS. AILTS WIEST: And Alltel has narrowed --

8 CHAIRMAN HANSON: Alltel has narrowed -- yes. Thank
9 you. Discussion?

10 Commissioner Johnson.

11 COMMISSIONER JOHNSON: Aye.

12 CHAIRMAN HANSON: Commissioner Kolbeck.

13 COMMISSIONER KOLBECK: Aye.

14 CHAIRMAN HANSON: Hanson votes yes. Motion carries.
15 Forgive me, before we jump to the next one. Cheri, I apologize,
16 you've been going for two hours now. We're off the record.

17 (Discussion off the record)

18 CHAIRMAN HANSON: All right. The web's on and we are
19 back. Are the parties with us? Ms. Sisak.

20 MS. SISAK: Yes, sir.

21 CHAIRMAN HANSON: Mr. Wieczorek?

22 MR. WIECZOREK: I am, Mr. Chairman.

23 CHAIRMAN HANSON: We are on Interrogatory 8A, Alltel's
24 Motion to Compel filed against Swiftel.

25 MR. WIECZOREK: Yes. Essentially what this

1 Interrogatory boils down to, there are two things. Ms. Sisak
2 has said that they're going to provide the data in electronic
3 format, Excel. I've yet to receive that. So I'd ask that that
4 be provided. This response was provided 10 days ago, I believe.
5 I ask that that be provided before the end of the week.

6 There's been the additional -- the other part of this
7 Interrogatory that's not answered is there's no breakout as
8 requested by wireless carriers. Swiftel has represented there
9 was a 30-day traffic study. And then in their Exhibit 3 to
10 their petition they estimate 30 DS-1s, which I assume means 29
11 carriers and then a redundant DS-1.

12 Alltel believes that this count is highly inaccurate,
13 that there's not that many carriers doing business in this
14 region. And if we get a breakout by individual wireless carrier
15 that they claim to need to have a DS-1 for, their 30-day traffic
16 study will show actually no traffic delivered to that many
17 carriers -- or no traffic delivered to some of their carriers
18 and will actually probably show that counting carriers that are
19 either no longer in existence -- for example, Alltel believes
20 one of the 30 they're counting is Midwest Wireless, which was
21 acquired by Alltel more than two years ago. And so we believe
22 that the electronic information should be provided and that the
23 information for each wireless carrier broken out in that.

24 CHAIRMAN HANSON: Thank you. Ms. Sisak.

25 MS. SISAK: Yes. What Alltel requested is that

1 Swiftel provide the actual number of minutes other wireless
2 carriers -- that are associated with other wireless carriers,
3 which, in fact, are Alltel's competitors.

4 This is information that Swiftel only has -- it's not
5 Swiftel information, in essence. It's information they only
6 have because they're the ILEC and traffic flows through them.
7 It is competitive information, however, that, frankly, would
8 provide Alltel with information on what its competitors are
9 doing in the area.

10 So in that sense we believe it's highly competitive
11 information that actually is prejudicial to the other wireless
12 carriers operating and competing against Alltel.

13 But I would like to also add that if all Alltel is
14 seeking is information or confirmation that all of the carriers
15 listed in the 30-day traffic study are, in fact -- you know,
16 there is, in fact, traffic associated with them, we can respond
17 to that question. And that doesn't require a breakout of
18 telling Alltel how much traffic is associated with each carrier.
19 And so if that's all they're seeking, then we can provide that
20 and it would not result in releasing any competitive
21 information.

22 And I would also note that that was not really the
23 original reason that Alltel gave for needing a breakout of
24 traffic. What Alltel claimed was that they needed the
25 information because we had used direct -- or we had used

1 separate connections for carriers and Alltel made the argument
2 that we could combine all the traffic and, therefore, that would
3 require fewer transport facilities.

4 But, again, even for that argument, the only
5 information you need is the total amount of wireless traffic,
6 which we have already provided. So we continue to object to
7 essentially just providing competitive information that it looks
8 like Alltel sees an opportunity to gain some traffic information
9 on what their competitors are doing. The breakout in that form
10 doesn't seem to have any purpose with the arguments stated by
11 Alltel as to why they need the data.

12 And, again, if what Alltel is really seeking is some
13 kind of confirmation that all of the carriers listed are, in
14 fact, still in the business of transmitting traffic, then we can
15 provide that information. And it would not release any
16 competitive information.

17 CHAIRMAN HANSON: Thank you. Let's see. Ms. Cremer.

18 MS. CREMER: Maybe Mr. Wieczorek could respond to what
19 she has asked.

20 MS. AILTS WIEST: Is that sufficient for you,
21 Mr. Wieczorek?

22 MR. WIECZOREK: No. I can give this Commission an
23 example, perhaps, is the easiest way. Let's assume if the
24 breakout -- I mean, let's assume Verizon and Alltel are
25 93 percent of the traffic they're delivering. Alltel's already

1 taken a position that, look, you don't have to bring it any
2 further than Sioux Falls. And if the Commission gives you a
3 suspension that you don't have to carry it beyond Sioux Falls,
4 that should remedy it because 93 percent of the traffic only
5 needs to come to Sioux Falls to these two carriers.

6 So I think that information becomes relevant as to how
7 much traffic's being delivered. If you have carriers out of
8 Minnesota that are receiving a call every other day, say they're
9 going to dedicate a whole DS-1 for that carrier, shows that they
10 are over -- that their costs are way too high for that carrier.
11 So I think you need it broken out.

12 And, you know, the way that she could provide that
13 breakout, if she's concerned about us finding something out
14 about a certain wireless carrier, she could just number the 29
15 wireless carriers they say they deliver traffic to and give us
16 those minutes. And, you know, that's a way to do that. And I
17 think at a minimum that then protects that and answers her
18 question about protecting these other wireless carriers. And
19 that would give us the ability to argue and say you've got a
20 couple of carriers here that are 93 percent of it, and that
21 should cover most of your costs. If you just limit it, if you
22 only had to take that traffic to Sioux Falls.

23 MS. SISAK: May I respond?

24 CHAIRMAN HANSON: Go ahead.

25 MS. SISAK: I think maybe the cat's already out of the

1 bag. The carriers have already been identified. So if we now
2 number them, how are we concealing the match?

3 CHAIRMAN HANSON: Ms. Cremer.

4 MS. CREMER: Staff would recommend Mr. Wieczorek's
5 suggestion of the numbering them of 1 through 29. There's a
6 confidentiality agreement, I believe, between these parties that
7 would cover, I believe anything, else. And so I would recommend
8 granting that to the -- I think he limited it too earlier, but I
9 don't recall now.

10 CHAIRMAN HANSON: Ms. Wiest.

11 MS. AILTS WIEST: Yes. I would agree with staff's
12 recommendation.

13 CHAIRMAN HANSON: Could we have that clarified just a
14 little bit better, Ms. Cremer, what your recommendation is,
15 labeling -- or assigning a number of 1 through 29.

16 MR. WIECZOREK: Did you write it down, Ms. Wiest?

17 MS. AILTS WIEST: I think what Mr. Wieczorek still was
18 requesting was the amount of traffic to each of those wireless
19 carriers; is that correct, Mr. Wieczorek?

20 MR. WIECZOREK: Yes.

21 MS. AILTS WIEST: Minutes of use?

22 MR. WIECZOREK: Yes. Minutes of use. And I'm looking
23 at Exhibit 3 and she just grouped -- except for what's labeled
24 as Sprint, which I believe is their wireless affiliate, they
25 grouped all other carriers. So you could just say here's -- you

1 don't have to have them in a corresponding alphabetical order of
2 a listing, you could just say of the 29 carriers and she can
3 jumble them up however she wants, just to list them carrier one
4 is so many minutes, carrier two is so many minutes. I don't
5 believe there would be any way that we could actually draw the
6 lines between the carriers in that situation.

7 CHAIRMAN HANSON: Commissioners?

8 COMMISSIONER JOHNSON: I am in agreement with staff's
9 recommendation, and so would move that we compel the information
10 providing some level of, you know, anonymity might not be the
11 right word but shield the identity of those carriers with the
12 information provided.

13 CHAIRMAN HANSON: Commissioner Kolbeck, did you have
14 something? Discussion?

15 Commissioner Johnson.

16 COMMISSIONER JOHNSON: Aye.

17 CHAIRMAN HANSON: Commissioner Kolbeck.

18 COMMISSIONER KOLBECK: Aye.

19 CHAIRMAN HANSON: Hanson votes aye. Motion carries.
20 Interrogatory 12.

21 MR. WIECZOREK: Mr. Chairman, I'm not -- here's all
22 I'm asking on these is if it's been represented there's no
23 written agreement but there's an arrangement made, and that is
24 what I would call -- they're exchanging traffic without charging
25 each other. If there is -- under that arrangement all I'm

1 asking is if there's any other detail such as if it reaches a
2 certain level that there's an agreement that they approach it
3 some other way, I just want to know if there's any other details
4 on that arrangement on that agreement of exchanging traffic.

5 CHAIRMAN HANSON: Ms. Sisak.

6 MS. SISAK: I think we've already told Alltel that
7 there are no other details, but if they would like me to put
8 that in writing again, I can do that.

9 MR. WIECZOREK: I'm sorry, Mr. Chairman, for cutting
10 you -- I was just going to say, what she has said, there was no
11 written agreement on this arrangement, but I don't know if that
12 means they have an oral agreement that if they hit a certain
13 level that it's going to be changed. And I just need a
14 clarification that they're just exchanging traffic and there's
15 no triggering points or any other issues hanging out there.

16 CHAIRMAN HANSON: Ms. Sisak.

17 MS. SISAK: Again, I believe we've already said that.
18 We've already stated the only terms under which the parties
19 operate, and so I can, again, write that up and say these are
20 the only terms under which the parties operate. I think it's
21 redundant but, you know, I can do that.

22 CHAIRMAN HANSON: Regardless of its redundancy, you're
23 willing to comply with that?

24 MS. SISAK: Yes. I'm willing to comply with a
25 statement that there are no other terms.

1 CHAIRMAN HANSON: All right. Then is there any
2 necessity of the Commission to compel? Mr. Wieczorek?

3 MR. WIECZOREK: My understanding, she's stipulating
4 that she's going to check to make sure there's no other oral
5 agreement, that they're just exchanging traffic, and I would
6 find that acceptable.

7 CHAIRMAN HANSON: All right. Thank you.
8 Interrogatory 14.

9 MR. WIECZOREK: This Interrogatory requests a breakout
10 between the CMRS carriers and the information on the CMRS
11 carrier and the landline carrier. It appears from our review
12 that the financials intermingle some of their costs. Swiftel
13 says that they object because they don't have the information in
14 the format requested.

15 Now some of the questions we got is, you know, are
16 they sharing space and are they utilizing any equipment or power
17 in a shared arrangement?

18 Now if they are, I'm not asking for a specific format.
19 I'm saying, you know, are they sharing a building and is there a
20 cost allocation between them? I'm not asking that be presented
21 in any specific format.

22 If the answer is we have a building and it's just paid
23 for out of the Brookings utility fund without allocation, then
24 that's an acceptable answer. We just need to know whether there
25 is an allocation, whether they're using the same facilities, and

1 that would help us understand their financials.

2 CHAIRMAN HANSON: Ms. Sisak.

3 MS. SISAK: Yes. Thank you. First of all, the
4 question asks whether the wireless company is occupying any
5 building space, land, or is utilizing any equipment or power.
6 And then says identify the affiliates. So it appears to apply
7 not just to Brookings ILECs but any Brookings entity. The
8 specific resource occupied and/or utilized, the amount of costs
9 allocated among the entities, services or enterprises.

10 This question -- first of all, we believe that the
11 only thing relevant to this proceeding is Brookings ILEC,
12 Swiftel ILEC and that's because it is only the ILEC operation
13 which is allowed to request a suspension of 251 obligations. We
14 also believe that all Brookings affiliates that are not
15 telecommunications-related affiliates, any information about
16 those affiliates clearly has no implication on this proceeding.
17 They're not even related to telecommunications.

18 So when they ask about the wireless operating company
19 using any building, land, equipment, power of any affiliate,
20 what they're asking is not just Brookings wireless using
21 Brookings ILEC but Brookings wireless using any other Brookings
22 entity. So that -- it seems to me that that part of the
23 question has really nothing to do -- is not relevant, is not
24 likely to lead to the production of admissible evidence for a
25 suspension petition that is related to Brookings ILEC.

1 The other aspects of the question which are also, I
2 believe, burdensome and overly broad is when they ask about any
3 equipment or power or land or building space. They're not just
4 asking does Brookings wireless use a building that's owned by
5 Brookings ILEC. They're asking are there any motor vehicles?
6 Is there any photocopy machines? Is there any coffee mugs? Are
7 there any paper clips? They say any equipment or power. Does
8 any wireless -- does the wireless company ever plug in to any
9 power associated with a building for some other Brookings
10 affiliate.

11 When you look at it and you look at its peak parts,
12 it's extremely broad and cumbersome. We don't -- even if you
13 limit it to Brookings ILEC and Brookings wireless, we have
14 already responded that we don't have the information in the
15 format requested. And beyond that, I believe there's simply no
16 argument that what Brookings wireless might use of some
17 affiliate other than Brookings ILEC is at all associated with
18 this proceeding.

19 CHAIRMAN HANSON: Ms. Cremer.

20 MS. CREMER: Thank you. I guess the question I would
21 have first, Mr. Wieczorek, did you narrow that Interrogatory
22 when you were talking to us this morning or not?

23 MR. WIECZOREK: Yeah. I can appreciate, you know,
24 some of the issues that she raised, but I'm narrowing it to
25 look, are the ILEC and the landline using the same building,

1 same facilities? Because if you look at the financials they've
2 produced in here, they produced a telephone fund financial,
3 which to our understanding includes both carriers. And so, you
4 know, if the ILEC is operating 80 percent of the building, the
5 wireless 20, then we can go to the financials and go, well,
6 really, you know, how much of this is a wireline cost, how much
7 of this is a wireless cost? I'm not -- if there's -- if there's
8 a wastewater occupies part of the building, I'm not asking them
9 to break out the wastewater group or anything like that.

10 MS. CREMER: Staff's recommendation would be to the
11 extent that Alltel has narrowed their request, I would grant
12 that.

13 CHAIRMAN HANSON: Ms. Wiest.

14 MS. AILTS WIEST: I would agree. It appears that they
15 have narrowed their request by quite a bit.

16 CHAIRMAN HANSON: Commissioners? Excuse me.

17 COMMISSIONER JOHNSON: Could either Mr. Wieczorek or
18 staff remind me how specifically would that be narrowed with
19 regard to when we get a trigger on equipment or things like
20 that.

21 MR. WIECZOREK: Well, I guess I would narrow it if the
22 ILEC and the CMRS carrier are sharing some facility, identifying
23 it. And if they don't know what percentage, I can understand
24 that, if they have not broken that out. But if they're sharing
25 staff, if they're sharing building space, if they're sharing

1 things because of the way they keep their financials, we should
2 at least know what they're sharing. If they know, if they have
3 a breakout, we should receive that.

4 MS. AILTS WIEST: So is it limited to building space
5 and facilities, I mean, and staff?

6 MR. WIECZOREK: Yeah. And equipment.

7 COMMISSIONER JOHNSON: See, and I guess that's my
8 question. It doesn't seem like we've got much of a -- we
9 haven't limited equipment very much. And maybe not at all. You
10 said if they know what the breakdown is. Mr. Wieczorek, is
11 there another way? I mean, can we say if the equipment's worth
12 more than 5,000 bucks or something?

13 MS. AILTS WIEST: Or can you narrow it to
14 telecommunications equipment?

15 MR. WIECZOREK: That's what I -- exactly.
16 Telecommunications equipment. I'm not looking for beyond that.

17 CHAIRMAN HANSON: Thank you. Anything further?

18 COMMISSIONER KOLBECK: What about the format part of
19 that? What format do they -- is Swiftel referring to?

20 MR. WIECZOREK: If that's directed to me,
21 Commissioner, what I'm saying is, look, they should know, okay,
22 we share this building space, we share the employees and we're
23 sharing this equipment. If they don't have it broken out as
24 this much is allocated towards CMRS, if they've just got, okay,
25 we just pay X for the building out of the telephone fund and

1 we've never bothered to break that out, then that's -- I'm not
2 asking her to go create that.

3 MS. SISAK: May I respond?

4 CHAIRMAN HANSON: Please.

5 MS. SISAK: The question as narrowed, as I understand
6 it, is to provide information on shared building space, staff,
7 and telecommunications equipment. I believe all of that
8 information has been provided to the extent that Swiftel has it.

9 When we responded that, for example, we provided
10 information about employees whose time is billed to both Swiftel
11 ILEC and Swiftel wireless. We've provided information that says
12 the two entities have separate switches and separate transport
13 facilities. And we've provided information that the two
14 entities do, in fact, share some building space. We also
15 provided information about what the total dollar amounts are.
16 But as to further breakouts, we've provided the answer that we
17 don't have further breakouts.

18 So we believe we've already answered the question as
19 rephrased by Mr. Wieczorek.

20 CHAIRMAN HANSON: Mr. Wieczorek.

21 MR. WIECZOREK: Well, I tell you what, and I don't
22 want to burden the Commission with this. If she'll send me an
23 e-mail pointing me to where that type of information is
24 available, and a representation that that's as far as it goes
25 and there's nothing else beyond that, I would find that

1 acceptable.

2 I don't recall seeing that kind of information, and it
3 could be maybe it's spread over a half a dozen Interrogatories
4 so it just didn't sink in.

5 CHAIRMAN HANSON: Ms. Sisak.

6 MS. SISAK: I would agree to do that.

7 CHAIRMAN HANSON: Great. We will move on then to
8 Interrogatory 20, with that understanding.

9 Mr. Wieczorek.

10 MR. WIECZOREK: Yes, Commissioner. I was looking for
11 my notes. I believe I sent a letter to the Commission yesterday
12 saying that we are not seeking additional information on 20.

13 CHAIRMAN HANSON: Correct.

14 MR. WIECZOREK: So I would waive any request to
15 additional information on 20. The same was true for 40. The
16 same was true for 41. And that would take us to 42.

17 CHAIRMAN HANSON: Correct.

18 MR. WIECZOREK: 42 has to do with the integrated
19 nature under which they seem to be doing business and the
20 numbers exist in here. It's interesting that, you know, in the
21 responses, in earlier responses they talk about its wireless
22 carrier, its wireless switch, and what we're looking for here
23 is, you know, a picture of the customer base so we can then kind
24 of look at how the telephone fund as a whole might be allocated
25 over their actual clientele.

1 CHAIRMAN HANSON: Are you finished?

2 MR. WIECZOREK: Yes, I am.

3 CHAIRMAN HANSON: No. That's fine. It just sounded
4 like you had some more. Ms. Sisak.

5 MS. SISAK: Yes. In Interrogatory 42 Alltel asks
6 Swiftel to identify the number of customers of the affiliated
7 wireless operation, Swiftel PCS and also to identify how many of
8 those customers are also a customer of your local exchange
9 carrier operations.

10 And in our response to the Motion to Compel, we
11 responded that our ILEC operation and wireless operation are
12 separate, that Swiftel ILEC does not know the identities of
13 Swiftel wireless customers, nor does it know whether, who, or
14 how many Swiftel ILEC customers are also Swiftel wireless
15 customers.

16 And so we have answered the question, and there's no
17 further information to provide.

18 CHAIRMAN HANSON: Mr. Wieczorek.

19 MR. WIECZOREK: Well, there should be an ability to
20 provide the number of customers they have in the Brookings rate
21 center.

22 MS. SISAK: I'm sorry, Mr. Wieczorek, but we did
23 provide that with part of answers to other Interrogatories,
24 specifically the request for information filed with the
25 South Dakota Commission, which includes that information. But I

1 can direct you to that as well.

2 CHAIRMAN HANSON: Mr. Wieczorek, you're saying?

3 MR. WIECZOREK: Well, I guess I would just ask the
4 Commission to direct her to point that to me or provide it if
5 it's not in here because I don't recall seeing that kind of
6 information.

7 CHAIRMAN HANSON: Ms. Sisak, you stated that you would
8 provide that information to Mr. Wieczorek to show him where he
9 can find the information.

10 MS. SISAK: Yes. I would direct him to where we
11 previously answered that question.

12 CHAIRMAN HANSON: All right. Great. Do you folks
13 interact during the process here? It just seems like a lot of
14 these things along the line as we've been going through, that
15 the information's already been received or claimed that we
16 provided that information, that you could have somewhat of those
17 conversations or -- without having to have an entire process
18 here before the PUC. But certainly that's what we're here for
19 if you need us to be here.

20 But as I have said previously, situations where
21 there's Interrogatories where we've heard repeatedly today that
22 someone already -- someone claims they already have the
23 information, if you would facilitate that process just simply by
24 pointing it out where it is rather than saying we've already
25 provided it and -- it gets a little frustrating to have the

1 number of people that are involved in an exercise of this nature
2 in order to go through some of those things.

3 Interrogatory 43.

4 MR. WIECZOREK: This seeks the amount of traffic
5 exchanged between Swiftel's LEC operation and Swiftel's PCS
6 operation, their wireless operation. And this is kind of hand
7 and glove with the earlier discussion of knowing what actual
8 traffic is being -- what actual traffic's being exchanged and
9 how that's being calculated. So we would ask that they provide
10 us information of what they're exchanging with their wireless
11 carrier.

12 CHAIRMAN HANSON: Ms. Sisak.

13 MR. WIECZOREK: That's all I have.

14 CHAIRMAN HANSON: Ms. Sisak.

15 MS. SISAK: Yes. Well, I have two responses. The
16 first response is in an earlier Interrogatory the Commission
17 directed us to provide in a nonidentifiable way the amount of
18 traffic to various wireless carriers. And so -- and so
19 information in a nonidentifiable way has already been ordered.
20 What Alltel is asking here is they want specific information
21 about a specific competitor that happens to be related to
22 Swiftel ILECs who is the petitioner in this proceeding.

23 So the nonidentifiable information will be provided,
24 and it's not clear why in this instance they feel they need
25 specific information about one competitor. On that point I

1 would also refer to our response.

2 They argue that they need the information in general
3 because Swiftel's traffic exchanged with its own wireless
4 affiliate should not be included in Swiftel's claim to transport
5 burden. And we responded to that specific claim by basically
6 saying it's not. We did not include Swiftel's traffic in the
7 traffic burden.

8 They also argue that -- well, and then they continue
9 the -- the rest of their argument is that the information should
10 be provided in response to Interrogatory 8, and it should be
11 broken out by wireless carrier. And that was the question
12 previously examined by the Commission where the Commission ruled
13 that the information should be provided but not broken out by
14 specific wireless carrier, rather in an unidentifiable way.

15 So the second part has already been addressed by a
16 previous Interrogatory, and to then further identify a specific
17 competitor, they've demonstrated no need for that.

18 CHAIRMAN HANSON: Mr. Wieczorek.

19 MR. WIECZOREK: As to the burden with -- I'm looking
20 at their Exhibit 3 to their petition and they list Sprint, which
21 my understanding is their ILEC competitor, needing two DS-1s and
22 they go through and figure transport costs and monthly recurring
23 and then break that down to a total cost per access line. And
24 then they break out all other wireless providers.

25 So it appears from at least their petition they have

1 included that information as a cost burden.

2 CHAIRMAN HANSON: Ms. Sisak.

3 MS. SISAK: Well, we have specifically responded that
4 we have not. So although it might appear that way to
5 Mr. Wieczorek, we have responded that that is not a correct
6 appearance on his part.

7 CHAIRMAN HANSON: Ms. Cremer.

8 MS. CREMER: I just have no idea. I'll give it to
9 Ms. Wiest.

10 CHAIRMAN HANSON: Ms. Wiest. One says it's under the
11 shell and the other one says it's not.

12 MS. AILTS WIEST: I think that the information could
13 possibly be relevant. I believe it makes the point volume of
14 traffic exchanged between affiliated entities in the same RLEC
15 could provide some sort proxy for originated traffic by Swiftel
16 customers, it might be somewhat attenuated, but I can't say for
17 sure that it is.

18 CHAIRMAN HANSON: Commissioners? I'm not certain what
19 to do with this one. Commissioner Kolbeck? Oh, you're just
20 leaning toward the microphone. I thought you might know.

21 COMMISSIONER KOLBECK: I'm just mumbling to myself
22 mostly.

23 MS. AILTS WIEST: Also maybe to the extent that
24 they're actually trying to figure out -- or confirm a claim made
25 by Swiftel, it could be relevant to that claim as to whether the

1 traffic was included or not.

2 CHAIRMAN HANSON: I will give each of the parties one
3 last shot at it because, well, we're having a bit of a challenge
4 with this one.

5 Ms. Sisak and then Mr. Wieczorek.

6 MS. SISAK: Well, if I understand Ms. Wiest's comment,
7 I think her comment was if Swiftel included the traffic, it
8 could be relevant. And what Swiftel has said is they did not
9 include the traffic. So I don't know what more we can say.

10 CHAIRMAN HANSON: Mr. Wieczorek.

11 MR. WIECZOREK: Well, and I appreciate the fact she's
12 saying she's not including it but they've got it on their
13 Exhibit 3 with their petition. So I guess I'm at a loss what
14 to -- either they're changing their position from when they
15 filed their petition as to what their costs are or it's
16 relevant.

17 CHAIRMAN HANSON: I don't have Exhibit 3 in front of
18 me, and I don't know anyone else here that does.

19 Commissioner Johnson appears to have it and he's
20 reading it.

21 Mr. Rislov.

22 MR. RISLOV: I would have a comment. Thank you,
23 Chairman. This is Greg Rislov speaking. Ms. Sisak says, you
24 know, the data isn't there. There appears to be some confusion
25 of some sort. I would suggest this, and this happens fairly

1 often, I think, when data's presented, that perhaps Swiftel
2 should go about explaining Exhibit 3 in more complete detail,
3 and if that doesn't answer Mr. Wieczorek's question, I guess
4 we'll have to take another bite at it.

5 But it seems to me if the claim is made all the data
6 is there and there's no more to be found, it really does no good
7 to compel further data. So I would just -- I would expect maybe
8 Swiftel could give a little better explanation line by line,
9 column by column if necessary of that Exhibit 3 so perhaps
10 Mr. Wieczorek's questions can be answered.

11 CHAIRMAN HANSON: Thank you, Mr. Rislov.
12 Mr. Wieczorek, would that satisfy the inquiry?

13 MR. WIECZOREK: Yeah. I think that might remedy it.
14 I don't have -- having not seen it, I'm not sure whether it
15 satisfies it, but I think the explanation of, okay, here's the
16 difference between the two DS-1s versus the all wireless
17 providers, if that's their carrier and if that's why it was part
18 of their Exhibit 3 they are now not including that and that
19 explanation, I think that might satisfy that.

20 CHAIRMAN HANSON: Ms. Sisak.

21 MS. SISAK: If I understand the proposal, it is that
22 Swiftel should explain in detail its Exhibit 3 in its petition?

23 CHAIRMAN HANSON: That's what we're -- that's what's
24 festering here, although there may be some items on there
25 that --

1 MR. WIECZOREK: Mr. Chairman, if I could, what I would
2 think would -- explain Exhibit 3, where these breakouts come
3 from, because there is a total cost per line breakout for Sprint
4 which we understand to be their wireless affiliates. And if
5 that has not been used then in the actual testimony or not
6 claimed as part of the burden, an explanation of why it was
7 listed here, it's not considered part of the burden. I think
8 that's what I'm looking for.

9 CHAIRMAN HANSON: Thank you. I appreciate that
10 clarification because I'm not comfortable with just an all
11 out -- having not seen Exhibit 3 recently, that would just
12 without seeing it say that everything has to be disclosed on it
13 and itemized.

14 Ms. Sisak, do you have that exhibit where you could
15 look at that?

16 MS. SISAK: I don't have it in front of me right now,
17 but we can certainly explain Exhibit 3 in our petition.

18 CHAIRMAN HANSON: Thank you.

19 MS. SISAK: And where we believe Alltel has gone wrong
20 in its Interrogatory 43, which I think addresses Mr. Wieczorek's
21 comment that if they think certain information's there and we
22 say it's not there, you know, explain that.

23 CHAIRMAN HANSON: All right. I'm going to make both
24 of you Commissioners when you make motions -- I will move that
25 on -- regarding Interrogatory 43 that Swiftel provide the

1 additional information to clarify that exhibit that has been
2 requested by Sprint.

3 MR. WIECZOREK: Alltel.

4 CHAIRMAN HANSON: Excuse me. By Alltel. Discussion?
5 Commissioner Johnson.

6 COMMISSIONER JOHNSON: Aye.

7 CHAIRMAN HANSON: Commissioner Kolbeck.

8 COMMISSIONER KOLBECK: Aye.

9 CHAIRMAN HANSON: Hanson votes yes. Motion carries.

10 Interrogatory 44. We are at 12:15. If it's all right
11 with the parties, we'll continue for just a little bit further.
12 We don't have too many left here, but some of them have been
13 agonizingly long and -- just one more?

14 COMMISSIONER JOHNSON: Well, yeah.

15 CHAIRMAN HANSON: And then we go to --

16 COMMISSIONER JOHNSON: A number of them, Alltel has
17 withdrawn their request for action.

18 CHAIRMAN HANSON: Exactly. Exactly. I know it's
19 12:15, but we're going to see if we can't get through the
20 remaining Interrogatories at this time. So Interrogatory 44.

21 MR. WIECZOREK: And that's been waived, Commissioner.
22 The only remaining item would be Request For Production 14.

23 CHAIRMAN HANSON: Thank you. And so Request For
24 Production 30 and 33, Alltel is no longer requesting action on
25 those items. We are looking at Request For Production 14.

1 Mr. Wieczorek.

2 MR. WIECZOREK: And Request For Production 14 is
3 pretty straightforward. We want any agreements or terms of
4 business arrangements Swiftel has with SDN. They are a part
5 owner of SDN and any agreements they have for exchange of
6 traffic, revenue generation, rights to pool, SDN revenue
7 attached to Swiftel's burden claim. And that's all I'd ask.

8 CHAIRMAN HANSON: Thank you. Mary. Excuse me.
9 Ms. Sisak.

10 MS. SISAK: Mary's fine. Yes. Swiftel objects to
11 providing information as part of its general objection. What
12 they're really seeking is basically information on Swiftel's
13 investment in SDN. It has -- it really has no connection to
14 Swiftel's request for suspension.

15 And I would also note that Swiftel has already told
16 Alltel, and it's frankly a matter of public record, that it is a
17 part owner. It has a 7.76 ownership interest in SDN. With
18 respect to their specific question about transport, Swiftel has
19 already stated that it does not have any agreements with SDN for
20 transport capacity.

21 And so I think the only thing that's actually left
22 is -- well, there's two points. One is they make a very broad
23 request for all documents, no matter how trivial they may be,
24 but yet when you really get down to what they argue why they
25 need this is they -- they claim that there could be an agreement

1 where Swiftel is entitled to some kind of a continuing dividend
2 or some kind of a commitment to traffic and revenue generation
3 or some kind of right to pooled revenue.

4 And, number one, I don't know -- I don't -- even if
5 there is such an agreement, the information that it would
6 produce would say nothing about Swiftel's economic burden and
7 would add no light as to whether or not Swiftel would have a
8 burden and would shed no light on whether or not Swiftel claims
9 that there could be a loss in revenue would be there. If
10 minutes go down, revenue goes down. That's a pretty simple,
11 straightforward equation.

12 Now to the extent that Alltel is alleging that maybe
13 somehow SDN has guaranteed Swiftel some certain amount of
14 revenue or -- well, I guess, revenue is what they would be
15 alleging, the answer to that is no. And there is no such
16 document. There is no such guarantee. And, you know, I can
17 provide that as the response to this question.

18 But as the question is written, it's really -- it's
19 not limited to that, and it appears to be the only concern or
20 the only issue that Alltel really has is that somehow even if
21 there's a reduction in SDN revenues and in Swiftel revenues, SDN
22 would provide some guarantee to keep Swiftel whole. And that's
23 the only point that Alltel really raises in its argument.

24 And like I said, we can answer that question. The
25 answer is no. But to the extent that they want any business

1 arrangement, which is what the question requests, that is,
2 number one, not relevant, not likely to lead to admissible
3 evidence, not even argued by Alltel that it's at all relevant,
4 and would be burdensome and would provide information about
5 Swiftel's relationship with an entity that's not part of this
6 request in an appropriate way.

7 CHAIRMAN HANSON: Mr. Wieczorek.

8 MR. WIECZOREK: I'll just stand by the comments I
9 already made, Commissioner.

10 CHAIRMAN HANSON: Ms. Cremer.

11 MS. CREMER: This is discovery, and staff would
12 recommend granting it.

13 CHAIRMAN HANSON: Ms. Wiest.

14 MS. AILTS WIEST: I agree.

15 CHAIRMAN HANSON: Commissioners.

16 COMMISSIONER JOHNSON: I don't know. All agreements
17 with SDN seems a little broad. Mr. Wieczorek, is there any way
18 that if I felt that that was too broad, is there any suggestions
19 you could provide me as to how I could narrow that in a way that
20 you get the information you really need without having this be
21 overly burdensome?

22 MR. WIECZOREK: Well, you know, because we're actually
23 talking about agreements, i.e., contractual arrangements or
24 business arrangements. So I'm not asking for every letter or
25 anything that might have went back unless it was set forth

1 here's our agreement.

2 So I think what I'm -- I think any information
3 regarding guarantees on -- or commitments to traffic or revenue
4 generation, rights to pool SDN revenue are relevant, those are
5 specifically discussed or, frankly, if there's an arrangement as
6 to okay, if you hit a certain transport rate for transport,
7 here's your cost, that you get a cost break for those -- that
8 kind of agreement, I think that's -- that's -- that's the
9 information that we're pursuing.

10 COMMISSIONER JOHNSON: Well, and I do -- I mean, I
11 would tentatively agree with you. I can understand where that
12 might be of value in preparing your case. I am not quite sure
13 how to put everything you just said into a motion. I mean, it
14 just seems like I can imagine agreements between SDN and Swiftel
15 which would clearly not have any bearing on the issues.

16 MS. SISAK: May I also -- I'm sorry. May I make one
17 other comment?

18 COMMISSIONER JOHNSON: Sure.

19 MS. SISAK: Remember that SDN was put in existence
20 back in 1989 so any business arrangements would require us to
21 basically look at records back to 1989, some of which may have
22 expired. Who knows.

23 MR. WIECZOREK: And, Commissioners, I just want what's
24 currently out there. I don't want -- I don't want what's
25 expired by any stretch of the imagination. If you look at our

1 arguments, we've discussed specifically agreement to buy, sell,
2 transport capacity, and as that could have an impact on other
3 claims because Swiftel utilized a proxy NECA rate to derive its
4 transport cost. And then we discussed in the other specific
5 area we have for a motion or agreements would speak to their
6 rights as an owner to continue dividends or commitments as
7 traffic, revenue generation, rights to pool SDN revenue, those
8 could go to burden.

9 SDN has intervened here and both Swiftel has said
10 they've used that equalized access portion to say, hey, you also
11 harm this equalized access if you don't give the suspension.
12 You know, so I kind of need to know what's going on behind that
13 scene if they're going to say -- they're going to use that as a
14 sword to say this is one of the reasons to give suspension.

15 COMMISSIONER JOHNSON: Mr. Chairman, is discussion
16 appropriate?

17 CHAIRMAN HANSON: Certainly.

18 COMMISSIONER JOHNSON: I just don't know how to parse
19 this. I mean, I kind of feel like it's getting a little broad
20 but I don't know how to narrow it so that I'm a little bit more
21 comfortable with it. With that, I would be fine with the
22 Commission approving the Motion to Compel all the -- and I'd
23 make a motion for any contracts or business arrangements that
24 are currently in effect.

25 CHAIRMAN HANSON: Motion. Discussion?

1 COMMISSIONER KOLBECK: I agree. Anything -- I think
2 the key word is "currently." I know Ms. Sisak brought up
3 something back to 1989, but I like the word currently in effect.

4 CHAIRMAN HANSON: Any further discussion? If not,
5 Commissioner Johnson.

6 COMMISSIONER JOHNSON: Aye.

7 CHAIRMAN HANSON: Commissioner Kolbeck.

8 COMMISSIONER KOLBECK: Aye.

9 CHAIRMAN HANSON: Hanson votes yes. Motion carries.

10 We will be adjourned until approximately 20 minutes to
11 2:00. And we will pick up on Items 2 and 1, which will be
12 considered -- which have been consolidated -- at that time.

13 MS. SISAK: Excuse me, Commissioners. Since I'm at a
14 different time zone, is that an hour and a half from now?

15 CHAIRMAN HANSON: We are at 12:25 right now. So in an
16 hour and 10, hour and 15 minutes.

17 MS. SISAK: Okay. Thank you.

18 MR. WIECZOREK: Mr. Chairman, use the same call-in
19 number?

20 CHAIRMAN HANSON: Yes.

21 MS. AXTHELM: Hang up and redial back in.

22 CHAIRMAN HANSON: All right. Thank you much. Yes.
23 Just call back. Thanks.

24 MR. WIECZOREK: Thank you.
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF SOUTH DAKOTA)

:SS

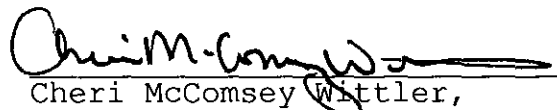
CERTIFICATE

COUNTY OF HUGHES)

I, CHERI MCCOMSEY WITTLER, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public in and for the State of South Dakota:

DO HEREBY CERTIFY that as the duly-appointed shorthand reporter, I took in shorthand the proceedings had in the above-entitled matter on the 6th day of August, 2008, and that the attached is a true and correct transcription of the proceedings so taken.

Dated at Pierre, South Dakota this 13th day of August, 2008.



Cheri McComsey Wittler,
Notary Public and
Registered Professional Reporter
Certified Realtime Reporter

1	52:23, 65:20, 67:13, 67:17, 68:2, 68:9, 68:18, 68:22, 69:2, 69:11, 69:17	26:8, 26:9	27:13	27:22, 42:6
<p>1 [7] - 18:11, 18:18, 42:12, 42:13, 52:5, 52:15, 76:11</p> <p>10 [5] - 3:12, 3:15, 5:25, 48:4, 76:16</p> <p>11 [8] - 10:18, 10:19, 11:1, 14:7, 14:16, 35:21, 44:4</p> <p>12 [7] - 12:19, 14:10, 14:14, 14:24, 14:25, 18:5, 53:20</p> <p>12:15 [2] - 70:10, 70:19</p> <p>12:25 [1] - 76:15</p> <p>13 [2] - 44:6, 44:7</p> <p>13th [1] - 77:13</p> <p>14 [6] - 20:21, 20:24, 55:8, 70:22, 70:25, 71:2</p> <p>15 [2] - 44:7, 76:16</p> <p>17 [3] - 20:24, 44:10, 44:12</p> <p>18 [1] - 20:24</p> <p>19 [5] - 20:25, 28:7, 28:8, 28:9</p> <p>1989 [3] - 74:20, 74:21, 76:3</p>	<p>30 [3] - 48:10, 48:20, 70:24</p> <p>30-day [3] - 48:9, 48:15, 49:15</p> <p>33 [9] - 25:5, 25:19, 26:16, 26:17, 26:19, 27:2, 27:23, 29:14, 70:24</p> <p>34 [6] - 25:5, 29:9, 31:3, 32:13, 32:18, 32:23, 33:19, 33:21</p> <p>35 [3] - 34:3, 34:4, 35:11</p>	<p>64 [2] - 41:10, 41:11</p> <p>66 [7] - 22:9, 24:24, 25:7, 25:8, 25:13, 25:15, 26:8</p> <p>68 [2] - 41:14, 41:15</p> <p>69 [2] - 42:8, 42:9</p> <p>6th [2] - 2:3, 77:10</p>	<p>action [6] - 7:13, 7:15, 26:1, 70:17, 70:24</p> <p>actual [12] - 16:2, 16:3, 16:8, 23:6, 34:12, 34:22, 44:22, 49:1, 61:25, 64:7, 64:8, 69:5</p> <p>add [2] - 49:13, 72:7</p> <p>adding [1] - 9:24</p> <p>additional [4] - 48:6, 61:12, 61:15, 70:1</p> <p>Additionally [1] - 36:17</p> <p>address [1] - 37:12</p> <p>addressed [1] - 65:15</p> <p>addresses [2] - 29:13, 69:20</p> <p>adjourned [1] - 76:10</p> <p>admissible [8] - 7:18, 8:6, 9:8, 36:16, 36:22, 40:14, 56:24, 73:2</p> <p>admitted [1] - 33:13</p> <p>Affidavit [3] - 33:10, 33:15, 37:15</p> <p>affiliate [5] - 52:24, 56:19, 57:10, 57:17, 65:4</p> <p>affiliated [2] - 62:6, 66:14</p> <p>affiliates [5] - 56:6, 56:14, 56:15, 56:16, 69:4</p> <p>agenda [1] - 3:2</p> <p>ago [2] - 48:4, 48:21</p> <p>agonizingly [1] - 70:13</p> <p>agree [14] - 4:11, 10:3, 29:1, 37:5, 37:19, 45:21, 46:25, 47:5, 52:11, 58:14, 61:6, 73:14, 74:11, 76:1</p> <p>agreed [3] - 4:16, 29:6, 47:5</p> <p>agreement [18] - 30:23, 34:20, 39:22, 43:13, 43:14, 52:6, 53:8, 53:23, 54:2, 54:4, 54:11, 54:12, 55:5, 71:25, 72:5, 74:1, 74:8, 75:1</p> <p>agreements [15] - 34:10, 34:18, 35:8, 36:3, 36:8, 36:13, 37:18, 37:23, 71:3, 71:5, 71:19, 73:16, 73:23, 74:14, 75:5</p> <p>agrees [3] - 27:7,</p>	<p>ahead [1] - 51:24</p> <p>Ailts [1] - 1:13</p> <p>AILTS [37] - 4:15, 5:4, 5:21, 9:11, 9:15, 13:18, 14:8, 17:19, 18:3, 18:7, 18:17, 19:20, 20:2, 23:1, 25:21, 28:6, 28:9, 28:14, 28:23, 30:7, 30:24, 31:5, 35:6, 37:5, 40:20, 46:25, 47:7, 50:20, 52:11, 52:17, 52:21, 58:14, 59:4, 59:13, 66:12, 66:23, 73:14</p> <p>albeit [1] - 5:7</p> <p>alleging [2] - 72:12, 72:15</p> <p>Alliance [1] - 27:15</p> <p>allocated [3] - 56:9, 59:24, 61:24</p> <p>allocation [3] - 55:20, 55:23, 55:25</p> <p>allow [3] - 7:6, 25:23, 34:13</p> <p>allowed [1] - 56:13</p> <p>Alltel [61] - 3:16, 3:22, 4:5, 4:10, 4:21, 5:6, 6:14, 10:24, 10:25, 11:2, 11:4, 11:6, 11:8, 11:24, 13:9, 13:19, 14:4, 14:5, 15:17, 26:20, 26:25, 27:6, 27:7, 27:13, 28:7, 29:6, 46:20, 47:7, 47:8, 48:12, 48:19, 48:21, 48:25, 49:8, 49:12, 49:13, 49:18, 49:23, 49:24, 50:1, 50:8, 50:11, 50:12, 50:24, 54:6, 58:11, 62:5, 64:20, 69:19, 70:3, 70:4, 70:16, 70:24, 71:16, 72:12, 72:20, 72:23, 73:3</p> <p>Alltel's [5] - 44:13, 46:5, 47:23, 49:3, 50:25</p> <p>alphabetical [1] - 53:1</p> <p>alternative [3] - 6:17, 6:25, 7:7</p> <p>alternatives [2] - 7:2, 7:16</p> <p>amend [3] - 25:14, 25:25, 26:8</p> <p>amended [2] - 25:13, 25:21</p> <p>amount [14] - 12:6,</p>
4		7		
	<p>4 [7] - 3:19, 4:1, 4:17, 4:23, 5:6, 5:7, 41:17</p> <p>40 [1] - 61:15</p> <p>41 [1] - 61:16</p> <p>42 [6] - 35:18, 35:20, 35:22, 61:16, 61:18, 62:5</p> <p>43 [6] - 35:25, 36:1, 37:22, 64:3, 69:20, 69:25</p> <p>44 [3] - 20:25, 70:10, 70:20</p> <p>45 [1] - 20:25</p> <p>46 [2] - 39:11, 39:13</p> <p>49 [3] - 39:15, 39:16, 40:25</p>	7.76 [1] - 71:17		
5		8		
	<p>5 [5] - 6:4, 7:25, 10:10, 39:19, 41:20</p> <p>5,000 [1] - 59:12</p> <p>50 [1] - 36:20</p> <p>500 [1] - 2:2</p> <p>55 [5] - 6:4, 7:25, 10:10, 39:19, 41:20</p> <p>56 [6] - 6:4, 6:8, 7:25, 10:10, 39:19, 41:20</p> <p>56,000 [1] - 38:10</p> <p>57 [6] - 6:4, 6:9, 7:25, 10:10, 39:19, 41:20</p>	<p>8 [7] - 3:11, 3:15, 5:25, 44:2, 44:3, 44:4, 65:10</p> <p>80 [1] - 58:4</p> <p>8A [1] - 47:23</p>		
2		9		
<p>2 [7] - 18:11, 18:18, 43:11, 43:12, 43:20, 44:8, 76:11</p> <p>20 [5] - 58:5, 61:8, 61:12, 61:15, 76:10</p> <p>2000 [2] - 12:20, 20:7</p> <p>2006 [3] - 16:22, 20:8, 20:12</p> <p>2006-2007 [1] - 17:5</p> <p>2007 [2] - 16:22, 20:12</p> <p>2008 [4] - 1:8, 2:3, 77:10, 77:14</p> <p>23 [1] - 36:5</p> <p>251 [1] - 56:13</p> <p>26 [1] - 20:11</p> <p>27 [1] - 20:11</p> <p>29 [5] - 48:10, 51:14, 52:5, 52:15, 53:2</p> <p>2:00 [1] - 76:11</p>		<p>93 [3] - 50:25, 51:4, 51:20</p> <p>9:30 [1] - 2:4</p>		
3		A		
<p>3 [21] - 3:2, 3:11, 3:14, 5:24, 5:25, 44:15, 44:17, 47:3, 48:9,</p>	<p>6 [1] - 1:8</p> <p>63 [7] - 21:2, 21:3, 23:8, 24:24, 25:13,</p>	<p>a.m. [1] - 2:4</p> <p>abide [1] - 29:1</p> <p>ability [4] - 7:11, 12:12, 51:19, 62:19</p> <p>able [2] - 11:20, 14:13</p> <p>above-entitled [2] - 2:1, 77:10</p> <p>accept [11] - 5:12, 5:13, 5:15, 5:18, 19:1, 26:2, 26:7, 27:19, 28:20, 28:22, 29:1</p> <p>acceptable [4] - 28:4, 55:6, 55:24, 61:1</p> <p>accepts [1] - 27:8</p> <p>access [13] - 13:7, 15:1, 18:19, 18:24, 20:3, 36:3, 36:6, 37:18, 37:19, 38:12, 65:23, 75:10, 75:11</p> <p>According [1] - 28:6</p> <p>accuracy [1] - 36:4</p> <p>accurate [4] - 12:14, 16:16, 23:18, 38:13</p> <p>acknowledged [1] - 11:14</p> <p>acknowledges [1] -</p>	<p>affirm [5] - 52:24, 56:19, 57:10, 57:17, 65:4</p> <p>affiliated [2] - 62:6, 66:14</p> <p>affiliates [5] - 56:6, 56:14, 56:15, 56:16, 69:4</p> <p>agenda [1] - 3:2</p> <p>ago [2] - 48:4, 48:21</p> <p>agonizingly [1] - 70:13</p> <p>agree [14] - 4:11, 10:3, 29:1, 37:5, 37:19, 45:21, 46:25, 47:5, 52:11, 58:14, 61:6, 73:14, 74:11, 76:1</p> <p>agreed [3] - 4:16, 29:6, 47:5</p> <p>agreement [18] - 30:23, 34:20, 39:22, 43:13, 43:14, 52:6, 53:8, 53:23, 54:2, 54:4, 54:11, 54:12, 55:5, 71:25, 72:5, 74:1, 74:8, 75:1</p> <p>agreements [15] - 34:10, 34:18, 35:8, 36:3, 36:8, 36:13, 37:18, 37:23, 71:3, 71:5, 71:19, 73:16, 73:23, 74:14, 75:5</p> <p>agrees [3] - 27:7,</p>	<p>amend [3] - 25:14, 25:25, 26:8</p> <p>amended [2] - 25:13, 25:21</p> <p>amount [14] - 12:6,</p>

<p>12:7, 12:8, 15:22, 19:10, 21:13, 46:6, 46:12, 50:5, 52:18, 56:8, 64:4, 64:17, 72:13</p> <p>amounts [1] - 60:15</p> <p>AND [1] - 1:6</p> <p>anonymity [1] - 53:10</p> <p>answer [21] - 18:17, 19:1, 29:20, 30:20, 32:2, 32:9, 32:11, 32:21, 32:23, 36:19, 39:13, 42:10, 42:25, 45:18, 55:22, 55:24, 60:16, 68:3, 72:15, 72:24, 72:25</p> <p>answered [10] - 31:8, 42:21, 42:24, 44:3, 44:4, 48:7, 60:18, 62:16, 63:11, 68:10</p> <p>Answers [1] - 42:15</p> <p>answers [4] - 18:13, 43:1, 51:17, 62:23</p> <p>anticipate [1] - 21:12</p> <p>anticipates [1] - 21:9</p> <p>anyway [1] - 13:5</p> <p>apologize [4] - 17:23, 18:12, 28:16, 47:15</p> <p>appear [3] - 17:9, 32:7, 66:4</p> <p>appearance [1] - 66:6</p> <p>APPEARANCES [1] - 1:17</p> <p>application [1] - 16:19</p> <p>applications [1] - 21:23</p> <p>applied [1] - 34:6</p> <p>applies [4] - 11:7, 14:3, 18:2, 33:1</p> <p>apply [7] - 11:2, 16:25, 27:6, 27:8, 31:17, 45:19, 56:6</p> <p>appointed [1] - 77:8</p> <p>appreciate [3] - 57:23, 67:11, 69:9</p> <p>approach [1] - 54:2</p> <p>appropriate [8] - 6:16, 10:6, 16:7, 16:12, 22:15, 34:7, 73:6, 75:16</p> <p>approving [1] - 75:22</p> <p>arbitration [4] - 8:9, 30:11, 30:14, 31:21</p> <p>area [15] - 7:5, 9:21, 10:6, 10:11, 15:9, 16:10, 16:17, 21:5, 21:7, 29:16, 30:13, 30:16, 30:18, 49:9, 75:5</p> <p>areas [1] - 26:21</p>	<p>argue [7] - 17:10, 30:19, 34:25, 51:19, 65:2, 65:8, 71:24</p> <p>argued [5] - 3:15, 3:22, 6:14, 21:9, 73:3</p> <p>arguing [4] - 3:24, 6:1, 11:8, 25:7</p> <p>argument [17] - 4:4, 11:7, 11:10, 12:23, 13:8, 16:23, 16:24, 17:9, 31:5, 34:16, 46:5, 46:7, 50:1, 50:4, 57:16, 65:9, 72:23</p> <p>argument's [1] - 13:1</p> <p>arguments [2] - 50:10, 75:1</p> <p>arm [1] - 36:20</p> <p>arrangement [8] - 6:19, 53:23, 53:25, 54:4, 54:11, 55:17, 73:1, 74:5</p> <p>arrangements [6] - 39:24, 71:4, 73:23, 73:24, 74:20, 75:23</p> <p>aspects [1] - 57:1</p> <p>assertion [1] - 12:3</p> <p>assign [2] - 29:10, 32:18</p> <p>assigning [1] - 52:15</p> <p>associated [8] - 15:11, 19:10, 42:18, 49:2, 49:16, 49:18, 57:9, 57:17</p> <p>assume [4] - 9:3, 48:10, 50:23, 50:24</p> <p>assumed [2] - 15:22, 42:2</p> <p>assumes [1] - 16:23</p> <p>assuming [2] - 35:23, 43:14</p> <p>AT&T [1] - 38:11</p> <p>attached [2] - 71:7, 77:11</p> <p>attachment [2] - 41:17, 41:19</p> <p>attempt [1] - 33:6</p> <p>attempted [5] - 36:18, 36:25, 37:3, 37:17, 37:23</p> <p>attempting [1] - 37:25</p> <p>attempts [1] - 39:3</p> <p>attention [1] - 3:1</p> <p>attenuated [1] - 66:16</p> <p>August [4] - 1:8, 2:3, 77:10, 77:14</p> <p>available [2] - 7:17, 60:24</p> <p>Avenue [1] - 2:2</p>	<p>average [2] - 22:12, 24:8</p> <p>averages [1] - 22:5</p> <p>aware [1] - 18:14</p> <p>AXTHELM [1] - 76:21</p> <p>Aye [27] - 10:14, 10:16, 14:19, 14:21, 20:17, 20:19, 25:1, 25:3, 26:12, 26:14, 33:24, 34:1, 35:13, 35:15, 39:8, 41:6, 41:8, 43:23, 43:25, 47:11, 47:13, 53:16, 53:18, 70:6, 70:8, 76:6, 76:8</p> <p>aye [6] - 20:20, 25:4, 34:2, 35:16, 39:6, 53:19</p>	<p>bill [1] - 11:20</p> <p>billed [2] - 13:6, 60:10</p> <p>billing [1] - 13:5</p> <p>billings [1] - 13:3</p> <p>bind [1] - 32:24</p> <p>bit [6] - 15:12, 52:14, 58:15, 67:3, 70:11, 75:20</p> <p>bite [1] - 68:4</p> <p>boils [1] - 48:1</p> <p>bothered [1] - 60:1</p> <p>Box [1] - 27:15</p> <p>break [5] - 58:9, 60:1, 65:23, 65:24, 74:7</p> <p>breakdown [3] - 19:24, 20:11, 59:10</p> <p>breakout [11] - 19:19, 48:7, 48:14, 49:17, 49:23, 50:9, 50:24, 51:13, 55:9, 59:3, 69:3</p> <p>breakouts [3] - 60:16, 60:17, 69:2</p> <p>Brett [1] - 1:19</p> <p>bring [1] - 51:1</p> <p>brings [1] - 8:19</p> <p>broad [13] - 10:1, 34:24, 35:1, 35:3, 35:8, 36:21, 37:1, 57:2, 57:12, 71:22, 73:17, 73:18, 75:19</p> <p>broken [7] - 18:20, 48:23, 51:11, 58:24, 59:23, 65:11, 65:13</p> <p>BROOKINGS [1] - 1:4</p> <p>Brookings [27] - 3:3, 6:22, 6:23, 9:1, 23:9, 23:11, 23:12, 29:11, 30:2, 55:23, 56:7, 56:11, 56:14, 56:20, 56:21, 56:25, 57:4, 57:5, 57:9, 57:13, 57:16, 57:17, 62:20</p> <p>brought [2] - 25:9, 76:2</p> <p>bucks [1] - 59:12</p> <p>Building [1] - 2:2</p> <p>building [16] - 55:19, 55:22, 56:5, 56:19, 57:3, 57:4, 57:9, 57:25, 58:4, 58:8, 58:25, 59:4, 59:22, 59:25, 60:6, 60:14</p> <p>bundling [1] - 8:18</p> <p>burden [13] - 21:19, 32:5, 60:22, 65:5, 65:7, 65:19, 66:1, 69:6, 69:7, 71:7, 72:6, 72:8, 75:8</p> <p>burdensome [8] -</p>	<p>34:24, 35:4, 36:21, 37:1, 38:15, 57:2, 73:4, 73:21</p> <p>Burt [4] - 34:5, 34:6, 34:17, 36:7</p> <p>Burt's [2] - 34:13, 36:4</p> <p>Business [1] - 3:3</p> <p>business [21] - 15:3, 18:22, 19:7, 19:8, 19:10, 19:13, 19:14, 19:19, 19:25, 20:11, 21:10, 21:24, 24:12, 48:13, 50:14, 61:19, 71:4, 72:25, 73:24, 74:20, 75:23</p> <p>buy [1] - 75:1</p>
C				
			<p>cable [5] - 15:25, 16:3, 16:4, 24:1, 24:3</p> <p>calculated [1] - 64:9</p> <p>calculation [3] - 15:23, 19:14, 19:16</p> <p>call-in [1] - 76:18</p> <p>cannot [1] - 35:22</p> <p>capable [1] - 46:22</p> <p>capacity [16] - 44:18, 44:19, 44:20, 44:22, 44:23, 45:2, 45:12, 45:14, 45:22, 46:6, 46:7, 46:8, 46:12, 46:14, 71:20, 75:2</p> <p>Capitol [2] - 2:2</p> <p>capture [1] - 19:18</p> <p>captures [1] - 19:13</p> <p>carrier [23] - 8:18, 10:25, 13:2, 27:25, 30:3, 46:14, 48:14, 48:23, 49:18, 51:9, 51:10, 51:14, 53:3, 53:4, 55:11, 58:22, 61:22, 62:9, 64:11, 65:11, 65:14, 68:17</p> <p>carrier's [1] - 22:21</p> <p>carriers [35] - 5:10, 13:25, 14:1, 14:2, 21:22, 36:6, 38:13, 38:14, 38:19, 48:8, 48:11, 48:13, 48:17, 48:18, 49:2, 49:12, 49:14, 50:1, 50:13, 51:5, 51:7, 51:15, 51:18, 51:20, 52:1, 52:19, 52:25, 53:2, 53:6, 53:11, 55:10, 58:3, 64:18</p> <p>carries [15] - 8:14, 10:17, 14:23, 20:20,</p>	

<p>25:4, 26:15, 34:2, 35:17, 39:10, 41:9, 44:1, 47:14, 53:19, 70:9, 76:9</p> <p>carry [6] - 5:1, 8:11, 30:1, 31:16, 32:21, 51:3</p> <p>carrying [1] - 24:3</p> <p>case [9] - 7:25, 8:5, 8:15, 13:20, 22:10, 29:25, 34:25, 36:16, 74:12</p> <p>cat's [1] - 51:25</p> <p>categories [2] - 11:1, 13:23</p> <p>categorized [1] - 14:3</p> <p>center [3] - 6:22, 29:11, 62:21</p> <p>central [2] - 6:12, 34:25</p> <p>certain [7] - 51:14, 54:2, 54:12, 66:18, 69:21, 72:13, 74:6</p> <p>certainly [5] - 13:11, 23:10, 32:23, 63:18, 69:17</p> <p>Certainty [1] - 75:17</p> <p>CERTIFICATE [1] - 77:2</p> <p>Certified [2] - 77:6, 77:19</p> <p>CERTIFY [1] - 77:8</p> <p>CHAIRMAN [184] - 1:11, 1:11, 3:1, 3:18, 4:13, 5:3, 5:23, 6:3, 8:2, 9:9, 9:12, 9:23, 10:7, 10:9, 10:13, 10:15, 10:17, 12:15, 13:13, 13:17, 14:15, 14:20, 14:22, 16:20, 17:15, 17:17, 18:6, 19:2, 19:23, 20:5, 20:9, 20:14, 20:18, 20:20, 21:1, 21:20, 22:23, 22:25, 23:4, 24:9, 24:22, 24:25, 25:2, 25:4, 25:12, 25:15, 25:18, 25:23, 26:6, 26:13, 26:15, 27:10, 29:8, 30:4, 30:6, 31:2, 31:10, 31:24, 32:12, 32:16, 33:18, 33:22, 33:25, 34:2, 34:15, 35:2, 35:5, 35:9, 35:12, 35:14, 35:16, 35:23, 36:14, 36:23, 37:4, 37:8, 37:16, 37:20, 37:24, 38:22, 39:4, 39:7, 39:9, 39:15,</p>	<p>40:1, 40:16, 40:19, 40:23, 41:1, 41:4, 41:7, 41:9, 41:14, 41:23, 42:8, 42:11, 43:2, 43:10, 43:16, 43:19, 43:24, 44:1, 44:6, 44:10, 44:13, 44:24, 46:4, 46:19, 46:24, 47:1, 47:4, 47:8, 47:12, 47:14, 47:18, 47:21, 47:23, 48:24, 50:17, 51:24, 52:3, 52:10, 52:13, 53:7, 53:13, 53:17, 53:19, 54:5, 54:16, 54:22, 55:1, 55:7, 56:2, 57:19, 58:13, 58:16, 59:17, 60:4, 60:20, 61:5, 61:7, 61:13, 61:17, 62:1, 62:3, 62:18, 63:2, 63:7, 63:12, 64:12, 64:14, 65:18, 66:2, 66:7, 66:10, 66:18, 67:2, 67:10, 67:17, 68:11, 68:20, 68:23, 69:9, 69:18, 69:23, 70:4, 70:7, 70:9, 70:15, 70:18, 70:23, 71:8, 73:7, 73:10, 73:13, 73:15, 75:17, 75:25, 76:4, 76:7, 76:9, 76:15, 76:20, 76:22</p> <p>Chairman [16] - 20:8, 21:21, 23:22, 24:10, 29:24, 32:14, 33:20, 44:16, 45:23, 47:22, 53:21, 54:9, 67:23, 69:1, 75:15, 76:18</p> <p>challenge [1] - 67:3</p> <p>challenges [2] - 12:4, 36:5</p> <p>chance [1] - 38:25</p> <p>change [2] - 8:23, 32:24</p> <p>changed [1] - 54:13</p> <p>changing [1] - 67:14</p> <p>charges [1] - 38:12</p> <p>charging [1] - 53:24</p> <p>check [3] - 27:4, 28:18, 55:4</p> <p>checked [1] - 28:3</p> <p>checking [1] - 35:20</p> <p>Cheri [2] - 47:15, 77:18</p> <p>CHERI [1] - 77:5</p> <p>choice [1] - 7:11</p> <p>circumstances [1] - 45:15</p>	<p>city [3] - 6:23, 23:11, 23:12</p> <p>City [1] - 8:20</p> <p>claim [16] - 7:23, 8:12, 16:13, 16:14, 29:17, 30:25, 31:6, 34:9, 48:15, 65:4, 65:5, 66:24, 66:25, 68:5, 71:7, 71:25</p> <p>claimed [3] - 49:24, 63:15, 69:6</p> <p>claims [8] - 9:18, 11:21, 15:16, 15:17, 15:20, 63:22, 72:8, 75:3</p> <p>clarification [4] - 5:23, 25:7, 54:14, 69:10</p> <p>clarified [2] - 4:24, 52:13</p> <p>clarifies [1] - 41:21</p> <p>clarify [2] - 19:5, 70:1</p> <p>clear [4] - 7:14, 26:1, 34:23, 64:24</p> <p>clearly [2] - 56:16, 74:15</p> <p>CLEC [13] - 13:1, 15:1, 16:22, 17:3, 17:7, 18:11, 19:13, 20:3, 21:4, 21:6, 21:10, 41:16, 42:2</p> <p>CLECs' [1] - 21:23</p> <p>cliente [1] - 61:25</p> <p>clips [1] - 57:7</p> <p>closely [1] - 21:8</p> <p>closer [1] - 9:5</p> <p>CMRS [4] - 55:10, 58:22, 59:24</p> <p>coast [1] - 28:3</p> <p>coffee [1] - 57:6</p> <p>college [1] - 23:25</p> <p>column [2] - 68:9</p> <p>combine [1] - 50:2</p> <p>comfortable [2] - 69:10, 75:21</p> <p>coming [1] - 22:12</p> <p>commencing [1] - 2:3</p> <p>comment [11] - 23:3, 24:11, 26:5, 27:3, 42:5, 45:1, 67:6, 67:7, 67:22, 69:21, 74:17</p> <p>comments [2] - 38:5, 73:8</p> <p>COMMISSION [3] - 1:1, 1:10, 1:13</p> <p>Commission [27] - 3:8, 4:4, 4:10, 5:7, 8:22, 11:5, 12:17, 13:9, 26:9, 26:25, 27:4, 27:7, 27:19,</p>	<p>39:19, 40:6, 40:24, 50:22, 51:2, 55:2, 60:22, 61:11, 62:25, 63:4, 64:16, 65:12, 75:22</p> <p>Commission's [7] - 7:11, 13:11, 18:13, 26:1, 40:4, 43:13</p> <p>Commissioner [45] - 10:13, 10:15, 14:18, 14:20, 14:22, 20:15, 20:16, 20:18, 20:22, 24:25, 25:2, 25:12, 26:7, 26:11, 26:13, 33:8, 33:23, 33:25, 35:12, 35:14, 38:22, 39:5, 39:7, 39:9, 40:1, 41:5, 41:7, 41:24, 43:22, 43:24, 47:10, 47:12, 53:13, 53:15, 53:17, 59:21, 61:10, 66:19, 67:19, 70:5, 70:7, 70:21, 73:9, 76:5, 76:7</p> <p>COMMISSIONER [60] - 1:12, 10:3, 10:8, 10:12, 10:14, 10:16, 14:19, 14:21, 20:13, 20:17, 20:19, 24:23, 25:1, 25:3, 25:11, 25:14, 26:12, 26:14, 32:14, 32:17, 33:17, 33:20, 33:24, 34:1, 35:10, 35:13, 35:15, 37:9, 37:21, 38:24, 39:6, 39:8, 40:24, 41:3, 41:6, 41:8, 43:23, 43:25, 47:2, 47:11, 47:13, 53:8, 53:16, 53:18, 58:17, 59:7, 59:18, 66:21, 70:6, 70:8, 70:14, 70:16, 73:16, 74:10, 74:18, 75:15, 75:18, 76:1, 76:6, 76:8</p> <p>Commissioners [18] - 9:25, 14:15, 24:22, 25:24, 31:2, 32:12, 33:18, 35:9, 37:8, 40:23, 47:1, 53:7, 58:16, 66:18, 69:24, 73:15, 74:23, 76:13</p> <p>commitment [2] - 32:20, 72:2</p> <p>commitments [2] - 74:3, 75:6</p> <p>communication [3] - 3:20, 3:21, 38:11</p> <p>COMMUNICATIONS [1] - 1:5</p>	<p>Communications [1] - 3:3:4</p> <p>comp [1] - 11:20</p> <p>companies [2] - 16:5, 24:19</p> <p>company [3] - 56:4, 56:18, 57:8</p> <p>Compel [11] - 3:8, 3:11, 22:2, 33:21, 40:25, 42:4, 42:19, 44:14, 47:24, 62:10, 75:22</p> <p>compel [4] - 28:10, 53:9, 55:2, 68:7</p> <p>compelled [7] - 16:15, 31:25, 32:2, 32:13, 35:22, 39:19, 42:25</p> <p>Compensation [1] - 3:5</p> <p>COMPENSATION [1] - 1:6</p> <p>compensation [1] - 34:7</p> <p>compete [1] - 22:8</p> <p>competing [1] - 49:12</p> <p>competition [2] - 15:18, 21:25</p> <p>competitive [5] - 49:7, 49:10, 49:20, 50:7, 50:16</p> <p>competitor [5] - 22:6, 64:21, 64:25, 65:17, 65:21</p> <p>competitors [3] - 49:3, 49:8, 50:9</p> <p>complete [2] - 45:18, 68:2</p> <p>comply [3] - 4:9, 54:23, 54:24</p> <p>concealing [1] - 52:2</p> <p>concede [1] - 26:20</p> <p>concern [1] - 72:19</p> <p>concerned [1] - 51:13</p> <p>concerning [6] - 10:20, 11:24, 15:16, 15:18, 33:16, 34:5</p> <p>concession [2] - 28:3, 28:12</p> <p>conference [1] - 45:5</p> <p>confidentiality [1] - 52:6</p> <p>confirm [8] - 19:4, 21:11, 36:18, 36:24, 37:2, 38:2, 39:2, 66:24</p> <p>confirmation [4] - 37:10, 37:22, 49:14, 50:13</p> <p>confused [3] - 13:18, 30:7, 31:11</p>
--	--	--	---	---

<p>confusion [2] - 12:22, 67:24 connect [2] - 9:3, 9:4 connected [3] - 4:23, 5:11, 36:19 connection [8] - 3:16, 6:7, 11:13, 21:10, 41:16, 42:2, 42:4, 71:13 connections [3] - 11:11, 11:15, 50:1 connects [3] - 8:17, 11:24, 11:25 considered [2] - 69:7, 76:12 consolidated [1] - 76:12 contacts [1] - 12:18 contain [2] - 19:4, 19:5 contains [1] - 40:12 Continuation [1] - 1:8 continue [6] - 6:3, 38:24, 50:6, 65:8, 70:11, 75:6 continuing [1] - 72:1 contract [4] - 39:17, 40:3, 40:12, 40:22 contracts [1] - 75:23 contractual [1] - 73:23 contradict [1] - 33:6 contradictory [2] - 32:6, 32:7 convenient [1] - 8:25 conversations [1] - 63:17 copy [1] - 43:12 correct [17] - 4:16, 5:4, 13:21, 13:22, 15:20, 18:20, 20:14, 25:16, 25:17, 28:7, 28:24, 29:25, 33:1, 45:2, 52:19, 66:5, 77:11 Correct [4] - 6:2, 25:20, 61:13, 61:17 correctly [3] - 16:23, 26:19, 26:23 correspond [2] - 34:12, 34:23 corresponding [1] - 53:1 cost [16] - 6:13, 6:15, 11:12, 15:16, 15:21, 21:17, 55:20, 58:6, 58:7, 65:23, 66:1, 69:3, 74:7, 75:4 costs [7] - 23:19, 51:10, 51:21, 55:12, 56:8, 65:22, 67:15</p>	<p>counsel [1] - 3:20 count [1] - 48:12 counting [2] - 48:18, 48:20 COUNTY [1] - 77:3 couple [4] - 4:3, 4:6, 38:4, 51:20 course [5] - 7:13, 7:15, 16:8, 21:16 cover [2] - 51:21, 52:7 covered [1] - 5:20 create [1] - 60:2 Cremer [17] - 1:14, 9:12, 13:13, 17:15, 22:23, 30:4, 35:2, 36:23, 37:5, 40:16, 46:19, 50:17, 52:3, 52:14, 57:19, 66:7, 73:10 CREMER [16] - 9:14, 13:14, 17:16, 22:24, 30:5, 35:3, 36:24, 37:12, 40:17, 46:20, 50:18, 52:4, 57:20, 58:10, 66:8, 73:11 cross [1] - 33:5 cross-examination [1] - 33:5 crystal [1] - 24:14 cumbersome [1] - 57:12 current [1] - 45:22 customer [9] - 15:10, 15:12, 15:13, 15:14, 19:11, 61:23, 62:8 customers [11] - 15:8, 19:9, 24:4, 62:6, 62:8, 62:13, 62:14, 62:15, 62:20, 66:16 cutting [1] - 54:9</p>	<p>Dated [1] - 77:13 days [1] - 48:4 deal [3] - 36:20, 38:7, 38:8 debate [1] - 11:4 decided [2] - 5:7, 20:22 dedicate [1] - 51:9 defense [3] - 7:23, 9:17, 16:13 definitely [1] - 11:23 deliver [1] - 51:15 delivered [4] - 31:19, 48:16, 48:17, 51:7 delivering [2] - 12:24, 50:25 demonstrated [1] - 65:17 denial [2] - 30:5, 35:4 denied [4] - 40:15, 43:15, 43:20, 44:8 deny [8] - 24:23, 26:9, 33:20, 35:10, 37:1, 40:18, 40:25, 43:14 Deny [1] - 41:3 denying [1] - 22:24 dependent [1] - 24:12 derive [1] - 75:3 designation [1] - 13:25 desire [1] - 13:11 detail [6] - 36:2, 36:17, 37:6, 54:1, 68:2, 68:22 details [2] - 54:3, 54:7 determination [1] - 44:23 determine [2] - 12:9, 43:6 determining [1] - 24:15 DIALING [1] - 1:5 Dialing [1] - 3:4 difference [2] - 10:24, 68:16 different [19] - 6:9, 10:22, 13:24, 14:1, 14:3, 14:5, 14:6, 15:12, 15:23, 19:9, 19:11, 19:14, 19:16, 23:15, 27:17, 33:9, 45:14, 76:14 direct [10] - 8:17, 11:11, 11:13, 11:24, 16:18, 29:21, 49:25, 63:1, 63:4, 63:10 directed [2] - 59:20, 64:17 directing [1] - 29:11 directly [2] - 5:11,</p>	<p>36:4 directs [1] - 12:1 disagree [1] - 45:6 disagreement [1] - 25:24 disclosed [1] - 69:12 discovery [2] - 16:12, 73:11 discussed [4] - 22:1, 74:5, 75:1, 75:4 discussion [13] - 10:1, 14:18, 20:15, 25:10, 26:10, 27:12, 28:19, 29:2, 43:21, 64:7, 75:15, 76:4 Discussion [11] - 10:9, 24:25, 33:22, 35:12, 39:4, 41:4, 47:9, 47:17, 53:14, 70:4, 75:25 discussions [1] - 28:21 disingenuous [1] - 30:19 disproving [1] - 12:2 distance [3] - 17:1, 17:4, 23:23 disturbing [1] - 34:7 dividend [1] - 72:1 dividends [1] - 75:6 DO [1] - 77:8 document [6] - 39:22, 39:25, 43:4, 43:8, 44:17, 72:16 documentation [1] - 34:22 documents [5] - 22:11, 42:14, 42:18, 42:25, 71:23 dollar [1] - 60:15 done [1] - 29:5 dorm [1] - 24:2 down [12] - 10:5, 18:20, 32:8, 32:25, 33:7, 36:19, 48:1, 52:16, 65:23, 71:24, 72:10 dozen [1] - 61:3 draw [1] - 53:5 DS-1 [3] - 48:11, 48:15, 51:9 DS-1s [3] - 48:10, 65:21, 68:16 duly [1] - 77:8 duly-appointed [1] - 77:8 during [2] - 33:4, 63:13 DUSTY [1] - 1:12</p>	<p style="text-align: center;">E 4</p> <p>e-mail [3] - 26:18, 27:21, 60:23 earth [1] - 10:5 EAS [1] - 45:21 easier [2] - 25:24, 26:4 easiest [1] - 50:23 east [1] - 28:2 East [1] - 2:2 economic [2] - 22:17, 72:6 effect [4] - 15:18, 24:15, 75:24, 76:3 effectively [1] - 34:6 efficient [6] - 6:18, 7:8, 7:9, 8:17, 11:11, 11:25 efforts [3] - 36:2, 36:17, 37:7 either [5] - 7:15, 42:24, 48:19, 58:17, 67:14 elect [1] - 24:2 electronic [2] - 48:2, 48:22 employee [1] - 38:10 employees [3] - 38:11, 59:22, 60:10 end [3] - 13:15, 16:22, 48:5 ended [1] - 3:9 enjoy [1] - 31:10 enter [5] - 36:3, 36:8, 36:12, 37:18, 37:23 entered [3] - 39:17, 40:8, 41:25 entering [1] - 22:14 dollar [1] - 60:15 enterprises [1] - 56:9 entire [2] - 8:8, 63:17 entities [4] - 56:9, 60:12, 60:14, 66:14 entitled [4] - 2:1, 7:22, 72:1, 77:10 entity [3] - 56:7, 56:22, 73:5 equalized [2] - 75:10, 75:11 equation [1] - 72:11 equipment [17] - 6:6, 6:8, 6:10, 8:21, 39:21, 55:16, 56:5, 56:19, 57:3, 57:7, 58:19, 59:6, 59:9, 59:14, 59:16, 59:23, 60:7 equipment's [1] - 59:11 essence [2] - 27:6,</p>
	D			
	<p>D/B/A [1] - 1:4 Dakota [18] - 2:3, 7:20, 15:2, 16:5, 16:7, 17:4, 17:6, 17:14, 18:14, 18:16, 22:4, 23:10, 23:15, 27:25, 38:19, 62:25, 77:7, 77:13 DAKOTA [2] - 1:2, 77:1 data [10] - 16:1, 16:3, 16:8, 43:5, 48:2, 50:11, 67:24, 68:5, 68:7 data's [1] - 68:1 date [2] - 12:21, 38:20</p>			

<p>49:5 Essentially [2] - 8:13, 47:25 essentially [6] - 8:24, 21:23, 34:8, 44:8, 46:12, 50:7 estimate [1] - 48:10 estimated [1] - 12:5 estimations [1] - 22:6 evaluate [1] - 7:6 evidence [8] - 7:14, 7:18, 34:8, 36:16, 36:22, 40:14, 56:24, 73:3 Evidence [2] - 7:20, 16:12 Exactly [2] - 70:18 exactly [1] - 59:15 examination [1] - 33:5 examine [1] - 34:13 examined [1] - 65:12 example [7] - 16:6, 38:19, 45:10, 45:11, 48:19, 50:23, 60:9 Excel [1] - 48:3 excellent [1] - 30:10 Except [1] - 5:4 except [1] - 52:23 excess [3] - 45:14, 46:6, 46:7 exchange [5] - 17:24, 18:2, 38:14, 62:8, 71:5 exchanged [4] - 64:5, 64:8, 65:3, 66:14 exchanges [1] - 15:2 exchanging [5] - 53:24, 54:4, 54:14, 55:5, 64:10 excuse [3] - 9:12, 20:6, 26:2 Excuse [7] - 9:13, 25:6, 41:11, 58:16, 70:4, 71:8, 76:13 exercise [1] - 64:1 exhibit [2] - 69:14, 70:1 Exhibit [12] - 48:9, 52:23, 65:20, 67:13, 67:17, 68:2, 68:9, 68:18, 68:22, 69:2, 69:11, 69:17 exhibits [2] - 15:17, 15:21 exist [2] - 6:18, 61:20 existence [2] - 48:19, 74:19 existing [1] - 7:3 exists [3] - 14:17, 43:6, 47:5</p>	<p>expect [2] - 19:10, 68:7 experience [2] - 16:7, 23:7 expired [2] - 74:22, 74:25 explain [7] - 15:5, 41:18, 41:25, 68:22, 69:2, 69:17, 69:22 explaining [1] - 68:2 explanation [4] - 68:8, 68:15, 68:19, 69:6 extent [27] - 14:9, 14:16, 18:3, 19:21, 19:25, 20:2, 22:13, 23:16, 27:4, 28:19, 28:21, 30:24, 31:6, 35:6, 36:24, 37:2, 42:24, 43:3, 43:7, 46:20, 46:21, 47:4, 58:11, 60:8, 66:23, 72:12, 72:25 extremely [1] - 57:12</p> <p style="text-align: center;">F</p> <p>facilitate [1] - 63:23 facilities [19] - 4:3, 5:10, 6:6, 6:9, 6:10, 6:20, 6:21, 6:22, 7:4, 39:21, 41:21, 45:17, 46:10, 50:3, 55:25, 58:1, 59:5, 60:13 facility [1] - 58:22 facing [1] - 8:8 fact [24] - 7:8, 8:13, 8:19, 11:9, 12:9, 12:12, 12:23, 18:25, 20:23, 21:10, 22:6, 23:23, 25:8, 27:23, 29:19, 33:3, 34:14, 42:21, 49:3, 49:15, 49:16, 50:14, 60:14, 67:11 factor [3] - 34:11, 34:12, 34:23 factors [2] - 24:13, 34:6 facts [1] - 34:14 factual [1] - 33:12 fairly [2] - 34:23, 67:25 Falls [20] - 4:23, 5:2, 5:8, 6:24, 7:1, 8:11, 8:14, 8:25, 27:14, 27:16, 29:18, 30:2, 31:1, 31:7, 31:16, 40:7, 51:2, 51:3, 51:5, 51:22 far [2] - 31:22, 60:24</p>	<p>Farrar [1] - 15:20 felt [1] - 73:18 festering [1] - 68:24 few [1] - 38:7 fewer [1] - 50:3 figure [4] - 21:24, 31:12, 65:22, 66:24 filed [7] - 3:11, 33:11, 34:5, 44:14, 47:24, 62:24, 67:15 filing [1] - 33:2 filings [1] - 32:21 financial [1] - 58:2 financials [5] - 55:12, 56:1, 58:1, 58:5, 59:1 fine [3] - 62:3, 71:10, 75:21 finished [1] - 62:1 First [2] - 8:7, 56:3 first [7] - 5:24, 12:20, 15:5, 21:16, 56:10, 57:21, 64:16 five [4] - 21:5, 22:8, 24:11, 24:19 five-year [1] - 24:19 flawed [1] - 13:1 flows [1] - 49:6 focus [2] - 22:16 folks [2] - 10:1, 63:12 follows [1] - 21:8 FOR [1] - 1:5 Forgive [1] - 47:15 form [1] - 50:9 format [7] - 48:3, 55:14, 55:18, 55:21, 57:15, 59:18, 59:19 forth [1] - 73:25 forward [2] - 5:22, 28:24 frankly [12] - 15:10, 19:16, 24:18, 29:13, 29:16, 32:6, 33:2, 33:4, 36:9, 49:7, 71:16, 74:5 frequencies [1] - 30:15 front [3] - 39:2, 67:17, 69:16 frustrating [1] - 63:25 fund [4] - 55:23, 58:2, 59:25, 61:24 furnished [2] - 17:24, 18:1 future [2] - 24:12, 31:23</p>	<p style="text-align: center;">G</p> <p>gain [1] - 50:8 gained [1] - 15:13 GARY [1] - 1:11 general [2] - 65:2, 71:11 generation [4] - 71:6, 72:2, 74:4, 75:7 given [3] - 10:5, 21:22, 22:4 glove [1] - 64:7 God's [1] - 10:5 grant [5] - 3:8, 10:9, 14:16, 47:2, 58:11 granted [3] - 8:1, 28:12, 31:1 granting [5] - 9:18, 14:8, 46:22, 52:8, 73:12 great [1] - 34:18 Great [2] - 61:7, 63:12 green [1] - 10:5 Greg [3] - 1:15, 24:10, 67:23 grossly [1] - 15:21 group [1] - 58:9 grouped [2] - 52:23, 52:25 guarantee [2] - 72:16, 72:22 guaranteed [1] - 72:13 guarantees [1] - 74:3 guess [22] - 4:15, 9:16, 12:16, 13:18, 16:25, 17:19, 23:1, 24:14, 28:18, 28:25, 29:22, 30:7, 42:3, 43:4, 45:23, 57:20, 58:21, 59:7, 63:3, 67:13, 68:3, 72:14</p> <p style="text-align: center;">H</p> <p>half [2] - 61:3, 76:14 hand [2] - 16:19, 64:6 handful [2] - 38:5, 38:7 hands [1] - 8:14 Hang [1] - 76:21 hanging [1] - 54:15 HANSON [183] - 1:11, 3:1, 3:18, 4:13, 5:3, 5:23, 6:3, 8:2, 9:9, 9:12, 9:23, 10:7, 10:9, 10:13, 10:15, 10:17, 12:15, 13:13, 13:17, 14:15, 14:20,</p>	<p>14:22, 16:20, 17:15, 17:17, 18:6, 19:2, 19:23, 20:5, 20:9, 20:14, 20:18, 20:20, 21:1, 21:20, 22:23, 22:25, 23:4, 24:9, 24:22, 24:25, 25:2, 25:4, 25:12, 25:15, 25:18, 25:23, 26:6, 26:13, 26:15, 27:10, 29:8, 30:4, 30:6, 31:2, 31:10, 31:24, 32:12, 32:16, 33:18, 33:22, 33:25, 34:2, 34:15, 35:2, 35:5, 35:9, 35:12, 35:14, 35:16, 35:23, 36:14, 36:23, 37:4, 37:8, 37:16, 37:20, 37:24, 38:22, 39:4, 39:7, 39:9, 39:15, 40:1, 40:16, 40:19, 40:23, 41:1, 41:4, 41:7, 41:9, 41:14, 41:23, 42:8, 42:11, 43:2, 43:10, 43:16, 43:19, 43:24, 44:1, 44:6, 44:10, 44:13, 44:24, 46:4, 46:19, 46:24, 47:1, 47:4, 47:8, 47:12, 47:14, 47:18, 47:21, 47:23, 48:24, 50:17, 51:24, 52:3, 52:10, 52:13, 53:7, 53:13, 53:17, 53:19, 54:5, 54:16, 54:22, 55:1, 55:7, 56:2, 57:19, 58:13, 58:16, 59:17, 60:4, 60:20, 61:5, 61:7, 61:13, 61:17, 62:1, 62:3, 62:18, 63:2, 63:7, 63:12, 64:12, 64:14, 65:18, 66:2, 66:7, 66:10, 66:18, 67:2, 67:10, 67:17, 68:11, 68:20, 68:23, 69:9, 69:18, 69:23, 70:4, 70:7, 70:9, 70:15, 70:18, 70:23, 71:8, 73:7, 73:10, 73:13, 73:15, 75:17, 75:25, 76:4, 76:7, 76:9, 76:15, 76:20, 76:22 Hanson [14] - 10:17, 14:22, 20:20, 25:4, 26:15, 34:2, 35:16, 39:9, 41:9, 44:1, 47:14, 53:19, 70:9, 76:9 harbor [1] - 31:11</p>
---	--	---	--	---

<p>Harlan [1] - 1:15 harm [2] - 22:17, 75:11 heard [2] - 40:4, 63:21 hearing [3] - 28:17, 32:4, 33:13 heft [1] - 33:12 held [1] - 2:1 help [1] - 56:1 HEREBY [1] - 77:8 high [1] - 51:10 highly [2] - 48:12, 49:10 historical [1] - 22:11 hit [2] - 54:12, 74:6 hook [1] - 8:25 host [1] - 24:13 hour [3] - 76:14, 76:16 hours [1] - 47:16 HUGHES [1] - 77:3 hundreds [1] - 35:7</p>	<p>inaccurate [1] - 48:12 inappropriate [3] - 21:22, 22:9, 35:1 include [5] - 22:19, 23:23, 25:13, 65:6, 67:9 included [5] - 30:12, 65:4, 66:1, 67:1, 67:7 includes [2] - 58:3, 62:25 including [4] - 20:23, 34:22, 67:12, 68:18 income [2] - 22:9, 24:6 inconvenience [1] - 25:9 incorrect [1] - 3:25 incorrectly [2] - 11:12, 15:22 indicate [2] - 17:24, 38:20 indication [1] - 23:11 indirect [4] - 11:9, 11:10, 11:15, 11:25 indirects [1] - 11:25 individual [1] - 48:14 inefficient [1] - 6:17 information [106] - 4:6, 4:17, 4:19, 4:21, 7:17, 7:21, 7:22, 7:24, 8:21, 9:2, 9:17, 10:20, 11:6, 12:1, 12:19, 13:2, 13:16, 14:9, 14:17, 15:1, 15:6, 15:11, 16:14, 18:1, 18:4, 19:3, 19:21, 19:24, 20:10, 20:24, 23:2, 23:5, 23:7, 28:20, 28:22, 40:9, 40:14, 41:12, 41:22, 43:8, 45:8, 46:15, 46:18, 46:21, 47:4, 47:6, 48:22, 48:23, 49:4, 49:5, 49:7, 49:8, 49:11, 49:14, 49:21, 49:25, 50:5, 50:7, 50:8, 50:15, 50:16, 51:6, 53:9, 53:12, 55:10, 55:13, 56:15, 57:14, 60:6, 60:8, 60:10, 60:11, 60:13, 60:15, 60:23, 61:2, 61:12, 61:15, 62:17, 62:24, 62:25, 63:6, 63:8, 63:9, 63:16, 63:23, 64:10, 64:19, 64:20, 64:23, 64:25, 65:2, 65:9, 65:13, 66:1,</p>	<p>66:12, 70:1, 71:11, 71:12, 72:5, 73:4, 73:20, 74:2, 74:9 information's [2] - 63:15, 69:21 inquiry [1] - 68:12 insisted [1] - 30:13 insisting [1] - 30:21 install [1] - 46:10 instance [2] - 23:25, 64:24 integrated [1] - 61:18 intend [2] - 29:10, 32:21 intends [2] - 29:15, 32:18 intent [1] - 33:16 intentions [2] - 32:23, 32:24 interact [1] - 63:13 intercarrier [3] - 45:11, 45:13, 45:16 intercompany [2] - 4:2, 5:9 interconnect [1] - 40:10 interconnection [7] - 4:3, 5:10, 30:22, 34:10, 34:18, 34:19, 35:7 interconnections [2] - 11:9, 11:11 interest [2] - 21:19, 71:17 interesting [1] - 61:20 interexchange [2] - 38:13, 38:18 intermingle [1] - 55:12 interoffice [2] - 4:2, 5:9 Interrogatories [13] - 6:4, 8:4, 10:10, 39:1, 39:18, 41:20, 42:15, 42:17, 42:18, 61:3, 62:23, 63:21, 70:20 Interrogatory [83] - 3:19, 4:17, 4:22, 5:6, 5:7, 5:24, 10:18, 10:19, 11:1, 14:6, 14:16, 14:24, 18:5, 20:21, 20:24, 21:2, 21:3, 23:8, 24:24, 25:5, 25:7, 25:8, 25:19, 26:9, 26:16, 26:17, 26:24, 27:2, 28:7, 29:9, 29:14, 32:18, 32:23, 33:8, 33:10, 33:14, 33:21, 34:3, 34:4, 34:19, 35:10, 35:18, 35:20,</p>	<p>35:21, 35:22, 35:25, 36:1, 36:4, 37:14, 37:22, 39:11, 39:13, 39:15, 39:16, 40:25, 41:10, 41:11, 41:14, 41:15, 42:8, 42:9, 44:15, 44:17, 47:3, 47:23, 48:1, 48:7, 53:20, 55:8, 55:9, 57:21, 61:8, 62:5, 64:3, 64:16, 65:10, 65:16, 69:20, 69:25, 70:10, 70:20 interrogatory [1] - 5:1 intervened [1] - 75:9 invest [1] - 24:18 investment [1] - 71:13 involve [1] - 35:7 involved [1] - 64:1 issue [4] - 5:24, 14:10, 16:11, 72:20 issues [5] - 6:12, 12:23, 31:12, 54:15, 57:24, 74:15 item [2] - 31:3, 70:22 Item [6] - 3:2, 14:24, 14:25, 32:13, 33:19 itemized [1] - 69:13 Items [1] - 76:11 items [2] - 68:24, 70:25 IXC [3] - 12:24, 13:4, 22:20 IXCs [10] - 36:3, 36:8, 36:12, 36:21, 37:18, 37:23, 38:5, 38:7, 38:8, 39:3</p>	<p>jump [1] - 47:15 6</p>
K				
<p>Kansas [1] - 8:20 Kara [1] - 1:14 Karen [2] - 1:14, 9:12 keep [5] - 12:19, 13:2, 14:10, 59:1, 72:22 keeps [1] - 18:4 kept [1] - 30:21 key [1] - 76:2 kind [24] - 8:15, 12:1, 12:23, 14:2, 15:25, 16:4, 16:6, 21:11, 21:24, 22:19, 24:7, 30:7, 32:5, 50:13, 61:2, 61:23, 63:5, 64:6, 72:1, 72:2, 72:3, 74:8, 75:12, 75:19 knowing [1] - 64:7 knows [1] - 74:22 Koenecke [1] - 1:19 KOLBECK [30] - 1:11, 10:3, 10:8, 10:12, 10:16, 14:21, 20:13, 20:19, 24:23, 25:3, 25:11, 25:14, 26:14, 34:1, 35:10, 35:15, 37:9, 37:21, 38:24, 39:8, 41:8, 43:25, 47:2, 47:13, 53:18, 59:18, 66:21, 70:8, 76:1, 76:8 Kolbeck [19] - 10:15, 14:20, 20:18, 25:2, 25:12, 26:7, 26:13, 33:25, 35:14, 38:22, 39:7, 41:7, 43:24, 47:12, 53:13, 53:17, 66:19, 70:7, 76:7</p>				
L				
<p>labeled [1] - 52:23 labeling [1] - 52:15 LaBrie [1] - 1:16 laid [1] - 8:16 land [3] - 56:5, 56:19, 57:3 landline [2] - 55:11, 57:25 last [9] - 3:9, 11:10, 13:9, 28:5, 29:3, 29:6, 34:21, 40:5, 67:3 lead [10] - 8:5, 8:22,</p>				
I				
<p>i.e [1] - 73:23 idea [2] - 12:11, 66:8 identical [1] - 3:22 identification [1] - 39:22 identified [2] - 6:11, 52:1 identify [13] - 4:1, 18:1, 39:17, 39:20, 39:24, 41:16, 41:21, 42:4, 43:14, 56:6, 62:6, 62:7, 65:16 identifying [2] - 42:2, 58:22 identities [1] - 62:12 identity [1] - 53:11 ILEC [18] - 17:1, 49:6, 56:11, 56:12, 56:21, 56:25, 57:5, 57:13, 57:17, 57:25, 58:4, 58:22, 60:11, 62:11, 62:12, 62:14, 65:21 ILECs [3] - 34:10, 56:7, 64:22 imagination [1] - 74:25 imagine [1] - 74:14 impact [5] - 17:3, 21:15, 23:20, 24:4, 75:2 implication [2] - 46:17, 56:16 important [1] - 7:10 impose [1] - 32:5 IN [1] - 1:4</p>				
J				
<p>job [1] - 38:8 JOHNSON [31] - 1:12, 10:14, 14:19, 20:17, 25:1, 26:12, 32:14, 32:17, 33:17, 33:20, 33:24, 35:13, 39:6, 40:24, 41:3, 41:6, 43:23, 47:11, 53:8, 53:16, 58:17, 59:7, 70:6, 70:14, 70:16, 73:16, 74:10, 74:18, 75:15, 75:18, 76:6 Johnson [15] - 10:13, 14:18, 20:16, 24:25, 26:11, 33:23, 35:12, 39:5, 41:5, 43:22, 47:10, 53:15, 67:19, 70:5, 76:5 jumble [1] - 53:3</p>				

9:7, 22:10, 23:2,
36:16, 36:22, 40:14,
56:24, 73:2
leading [1] - 38:16
leaning [1] - 66:20
lease [1] - 45:12
leased [1] - 45:25
least [2] - 59:2, 65:25
LEC [2] - 34:20, 64:5
left [3] - 19:23, 70:12,
71:21
legions [2] - 38:6
LERG [2] - 29:11,
29:21

letter [3] - 37:10,
61:11, 73:24
level [4] - 38:20,
53:10, 54:2, 54:13
license [1] - 30:16
life [1] - 38:8
light [5] - 29:22,
31:24, 43:13, 72:7,
72:8
likely [7] - 15:7, 22:19,
36:16, 36:22, 40:14,
56:24, 73:2
limit [3] - 5:8, 51:21,
57:13
limitation [1] - 45:5
limited [7] - 7:20, 8:7,
45:1, 52:8, 59:4,
59:9, 72:19

limiting [1] - 17:11
line [8] - 5:5, 27:14,
31:20, 63:14, 65:23,
68:8, 69:3
lines [13] - 15:1,
16:22, 17:5, 17:6,
18:11, 18:19, 18:24,
19:12, 19:14, 19:17,
20:4, 20:8, 53:6

list [2] - 53:3, 65:20
listed [3] - 49:15,
50:13, 69:7
listen [1] - 5:19
listened [1] - 5:5
listing [1] - 53:2
litigating [1] - 31:21
live [3] - 26:22, 27:15,
27:17

local [11] - 13:25,
15:2, 15:4, 15:6,
15:14, 17:6, 18:23,
18:25, 38:13, 62:8

located [1] - 6:23
locations [1] - 6:10
look [22] - 8:9, 8:10,
10:1, 12:13, 22:11,
22:12, 24:12, 27:13,
27:18, 31:12, 32:20,

43:5, 51:1, 57:11,
57:25, 58:1, 59:21,
61:24, 69:15, 74:21,
74:25
looking [13] - 7:14,
17:22, 18:10, 24:14,
24:16, 35:19, 52:22,
59:16, 61:10, 61:22,
65:19, 69:8, 70:25
looks [2] - 18:18, 50:7
lose [2] - 15:23, 15:24
loss [2] - 67:13, 72:9
lost [1] - 19:17

M

machines [1] - 57:6
mail [3] - 26:18, 27:21,
60:23
majority [3] - 19:12,
19:17, 34:18
manner [1] - 18:5
manuals [1] - 43:5
market [7] - 15:22,
15:24, 16:6, 22:14,
23:9, 23:12
marketplace [1] -
21:12
markets [4] - 22:4,
23:7, 23:10, 23:15
Mary [2] - 1:18, 71:8
Mary's [1] - 71:10
match [2] - 24:7, 52:2
matter [5] - 2:2, 3:7,
71:16, 71:23, 77:10
MATTER [1] - 1:4
Matter [1] - 3:2
MCC [7] - 8:19, 39:17,
39:22, 39:23, 40:3,
40:7

McComsey [1] - 77:18
MCCOMSEY [1] - 77:5
MCI [1] - 38:12
mean [14] - 8:3, 8:24,
21:23, 32:17, 32:19,
32:22, 32:23, 37:7,
50:24, 59:5, 59:11,
74:10, 74:13, 75:19
means [2] - 48:10,
54:12
Mediacom [5] - 6:6,
6:8, 6:20, 8:13,
41:17
meeting [1] - 45:7
memory [2] - 27:3,
27:11
mentioned [1] - 9:22
mere [1] - 37:3
merit [1] - 34:25

message [2] - 26:18,
26:19
methods [3] - 6:18,
7:7, 34:7
microphone [1] -
66:20
Midwest [1] - 48:20
might [26] - 7:14,
12:24, 12:25, 13:2,
16:9, 16:17, 17:3,
19:15, 22:18, 22:20,
23:13, 28:2, 34:20,
38:11, 43:7, 46:14,
53:10, 57:16, 61:24,
66:4, 66:16, 66:20,
68:13, 68:19, 73:25,
74:12

minimum [1] - 51:17
Minneapolis [3] -
29:13, 29:21, 32:10
Minnesota [1] - 51:8
minutes [11] - 31:18,
31:19, 34:12, 34:22,
49:1, 51:16, 53:4,
72:10, 76:10, 76:16

Minutes [2] - 52:21,
52:22
missed [1] - 44:16
mixes [1] - 12:23
model [1] - 21:24
modeled [4] - 6:15,
6:17, 11:12, 12:13

MODIFICATION [1] -
1:5
Modification [1] - 3:4
moment [3] - 32:22,
39:12, 41:11
month [2] - 17:24,
18:2

monthly [1] - 65:22
months [3] - 12:19,
14:10, 40:5
morning [1] - 57:22
most [2] - 23:25,
51:21

mostly [1] - 66:22
motion [40] - 3:16,
3:23, 4:5, 8:1, 9:19,
10:7, 10:9, 17:22,
20:10, 24:23, 25:13,
25:14, 25:22, 26:3,
26:7, 26:8, 26:9,
26:10, 28:9, 28:12,
28:14, 31:3, 31:9,
33:18, 35:16, 37:20,
37:21, 38:1, 38:23,
38:25, 39:2, 39:5,
41:1, 43:13, 43:17,
43:18, 43:19, 74:13,
75:5, 75:23

Motion [24] - 3:11,
10:17, 14:23, 20:20,
25:4, 26:15, 33:21,
34:2, 35:10, 39:10,
40:25, 41:9, 42:3,
42:19, 44:1, 44:14,
47:14, 47:24, 53:19,
62:10, 70:9, 75:22,
75:25, 76:9

motions [1] - 69:24
Motions [2] - 3:8, 22:1
motor [1] - 57:5
move [9] - 14:16,
28:23, 29:7, 40:24,
43:20, 47:2, 53:9,
61:7, 69:24

MR [66] - 4:20, 5:17,
8:3, 12:16, 14:12,
16:21, 18:9, 19:3,
20:7, 21:21, 23:22,
24:10, 27:11, 28:8,
28:11, 29:3, 29:5,
29:24, 31:14, 34:16,
36:15, 37:14, 37:17,
40:3, 41:24, 43:3,
44:16, 45:4, 45:23,
47:22, 47:25, 50:22,
52:16, 52:20, 52:22,
53:21, 54:9, 55:3,
55:9, 57:23, 58:21,
59:6, 59:15, 59:20,
60:21, 61:10, 61:14,
61:18, 62:2, 62:19,
63:3, 64:4, 64:13,
65:19, 67:11, 67:22,
68:13, 69:1, 70:3,
70:21, 71:2, 73:8,
73:22, 74:23, 76:18,
76:24

MS [129] - 3:14, 3:19,
4:15, 5:4, 5:15, 5:21,
5:22, 6:2, 6:4, 9:11,
9:14, 9:15, 10:19,
13:14, 13:18, 13:22,
14:8, 14:25, 17:16,
17:19, 17:22, 18:3,
18:7, 18:17, 18:21,
19:6, 19:20, 20:2,
20:22, 21:3, 22:24,
23:1, 23:3, 23:5,
25:6, 25:17, 25:20,
25:21, 26:4, 26:17,
28:6, 28:9, 28:14,
28:16, 28:23, 28:25,
29:4, 29:7, 29:9,
30:5, 30:7, 30:10,
30:24, 31:5, 32:1,
33:1, 34:4, 35:3,
35:6, 35:19, 36:1,
36:24, 37:5, 37:12,

38:1, 39:12, 39:16,
40:17, 40:20, 41:11,
41:15, 42:5, 42:9,
42:13, 43:9, 43:12,
43:18, 44:3, 44:7,
44:11, 44:25, 45:6,
46:2, 46:5, 46:20,
46:25, 47:7, 47:20,
48:25, 50:18, 50:20,
51:23, 51:25, 52:4,
52:11, 52:17, 52:21,
54:6, 54:17, 54:24,
56:3, 57:20, 58:10,
58:14, 59:4, 59:13,
60:3, 60:5, 61:6,
62:5, 62:22, 63:10,
64:15, 66:3, 66:8,
66:12, 66:23, 67:6,
68:21, 69:16, 69:19,
71:10, 73:11, 73:14,
74:16, 74:19, 76:13,
76:17, 76:21

mugs [1] - 57:6
mumbling [1] - 66:21
MUNICIPAL [1] - 1:4
Municipal [1] - 3:3
Murdo [1] - 17:4
must [1] - 33:9

N

name [1] - 18:14
narrow [7] - 10:10,
38:25, 57:21, 58:21,
59:13, 73:19, 75:20
narrowed [11] - 9:20,
13:20, 38:17, 44:17,
46:20, 47:7, 47:8,
58:11, 58:15, 58:18,
60:5

narrowing [3] - 10:5,
45:19, 57:24
national [3] - 22:5,
22:12, 24:8
nationwide [5] -
15:25, 16:8, 16:18,
27:24, 38:5
nature [2] - 61:19,
64:1

near [2] - 31:23, 44:19
NECA [1] - 75:3
necessary [5] - 7:25,
12:10, 28:10, 43:3,
68:9
necessity [1] - 55:2
need [22] - 4:11, 5:23,
10:4, 17:12, 24:20,
27:9, 31:8, 43:7,
46:9, 48:15, 50:5,

<p>50:11, 51:11, 54:13, 55:24, 63:19, 64:24, 65:2, 65:17, 71:25, 73:20, 75:12 needed [5] - 12:5, 28:12, 30:22, 46:5, 49:24 needing [2] - 49:23, 65:21 needs [5] - 17:7, 27:23, 31:25, 32:13, 51:5 negotiation [1] - 42:20 net [2] - 22:8, 24:6 network [6] - 7:4, 21:14, 40:6, 40:21, 41:17, 42:1 never [1] - 60:1 new [1] - 46:10 next [3] - 3:19, 22:8, 47:15 Next [1] - 14:24 nice [1] - 24:17 None [1] - 18:12 nonidentifiable [3] - 64:17, 64:19, 64:23 normally [1] - 19:13 Notary [2] - 77:6, 77:18 note [5] - 10:23, 30:15, 39:12, 49:22, 71:15 notes [3] - 28:6, 28:9, 61:11 nothing [3] - 56:23, 60:25, 72:6 number [21] - 7:6, 12:4, 12:13, 13:6, 13:23, 15:1, 16:22, 17:23, 18:19, 45:8, 49:1, 51:14, 52:2, 52:15, 62:6, 62:20, 64:1, 70:16, 72:4, 73:2, 76:19 NUMBER [1] - 1:5 Number [1] - 3:5 numbering [1] - 52:5 numbers [15] - 13:6, 14:10, 16:6, 16:18, 17:2, 18:8, 19:4, 22:3, 22:13, 26:21, 27:17, 29:10, 29:12, 32:19, 61:20</p>	<p>objected [4] - 42:16, 42:17, 42:22 objection [4] - 12:17, 29:14, 43:4, 71:11 objects [1] - 71:10 obligation [1] - 8:13 Obligations [1] - 3:6 obligations [1] - 56:13 OBLIGATIONS [1] - 1:6 occupied [1] - 56:8 occupies [1] - 58:8 occupying [1] - 56:4 occur [4] - 26:20, 27:22, 27:23, 28:2 occurring [1] - 28:1 occurs [2] - 27:16, 27:24 OF [8] - 1:2, 1:4, 1:5, 2:1, 77:1, 77:3 offering [1] - 23:24 offers [1] - 15:23 official [1] - 25:25 often [1] - 68:1 on-line [1] - 5:5 one [30] - 3:22, 6:13, 7:6, 13:19, 13:23, 15:5, 17:11, 18:23, 21:9, 24:13, 24:19, 25:6, 32:15, 33:8, 38:10, 39:18, 41:11, 47:15, 48:20, 53:3, 64:25, 66:11, 66:19, 67:2, 67:4, 70:13, 72:4, 73:2, 74:16, 75:14 One [6] - 6:12, 18:22, 38:5, 39:12, 66:10, 71:22 operate [10] - 27:25, 30:8, 30:12, 30:16, 30:17, 30:21, 30:23, 38:14, 54:19, 54:20 operates [1] - 18:14 operating [7] - 16:5, 30:2, 34:17, 44:19, 49:12, 56:18, 58:4 operation [9] - 21:4, 21:6, 56:12, 62:7, 62:11, 64:5, 64:6 operations [1] - 62:9 opportunity [1] - 50:8 opposed [2] - 8:18, 9:21 OR [1] - 1:5 oral [2] - 54:12, 55:4 order [3] - 4:16, 53:1, 64:2 Order [1] - 41:24 Order's [1] - 40:8</p>	<p>ordered [7] - 4:6, 4:21, 11:6, 12:17, 13:9, 27:7, 64:19 Ordered [1] - 4:10 ordering [1] - 27:20 original [2] - 13:24, 49:23 originated [1] - 66:15 originating [2] - 11:20, 29:12 Otherwise [1] - 36:25 outer [1] - 8:12 outside [1] - 31:20 overly [7] - 34:24, 35:3, 35:8, 36:21, 37:1, 57:2, 73:21 overspoke [1] - 37:24 overstated [1] - 15:21 overture [1] - 38:21 overtures [1] - 38:18 own [4] - 16:7, 17:13, 18:15, 65:3 owned [1] - 57:4 owner [3] - 71:5, 71:17, 75:6 ownership [1] - 71:17 owns [1] - 46:12</p>	<p>penetration [4] - 15:25, 16:3, 17:13, 24:7 people [5] - 26:21, 27:16, 38:6, 38:16, 64:1 per [2] - 65:23, 69:3 percent [4] - 50:25, 51:4, 51:20, 58:4 percentage [1] - 58:23 perhaps [3] - 50:23, 68:1, 68:9 periods [1] - 10:21 Petition [1] - 3:3 PETITION [1] - 1:4 petition [12] - 15:18, 33:9, 33:11, 46:9, 48:10, 56:25, 65:20, 65:25, 67:13, 67:15, 68:22, 69:17 petitioner [1] - 64:22 phantom [1] - 11:18 phones [2] - 24:1, 24:3 photocopy [1] - 57:6 phrase [1] - 31:13 pick [2] - 22:20, 76:11 picture [5] - 12:14, 16:16, 23:18, 38:13, 61:23</p>	<p>29:21 Portability [1] - 3:5 PORTABILITY [1] - 1:6 portion [1] - 75:10 posed [2] - 10:23, 26:25 position [7] - 8:10, 13:14, 17:16, 26:1, 31:16, 51:1, 67:14 possession [3] - 16:15, 46:15, 46:16 possible [2] - 9:16, 15:7 possibly [1] - 66:13 potential [1] - 46:14 potentially [1] - 31:20 power [6] - 55:16, 56:5, 56:19, 57:3, 57:7, 57:9 predicting [1] - 16:9 preferred [2] - 7:12, 7:13 prejudicial [1] - 49:11 prepared [1] - 21:6 preparing [1] - 74:12 presence [1] - 18:15 presented [3] - 33:4, 55:20, 68:1 pretty [3] - 37:6, 71:3, 72:10 previous [3] - 23:6, 29:22, 65:16 previously [4] - 42:22, 63:11, 63:20, 65:12 pricing [1] - 24:13 problem [2] - 17:24, 23:22 procedure [1] - 34:17 proceeding [13] - 4:10, 6:12, 7:12, 7:24, 9:7, 22:15, 22:21, 28:2, 30:21, 56:11, 56:16, 57:18, 64:22 PROCEEDINGS [1] - 2:1 Proceedings [1] - 1:8 proceedings [5] - 36:22, 40:5, 40:13, 77:9, 77:12 process [6] - 42:19, 42:20, 63:13, 63:17, 63:23 produce [2] - 43:8, 72:6 produced [3] - 17:8, 58:2 production [1] - 56:24 Production [15] -</p>
<p>O</p> <p>object [6] - 29:23, 29:24, 42:14, 46:17, 50:6, 55:13</p>		<p>P</p> <p>P.O [1] - 27:15 package [1] - 24:3 page [1] - 36:5 paid [1] - 55:22 paper [1] - 57:7 Parity [1] - 3:5 PARITY [1] - 1:5 parse [1] - 75:18 part [28] - 11:1, 15:15, 17:11, 19:7, 21:16, 21:18, 29:13, 30:13, 30:22, 33:7, 36:9, 42:3, 48:6, 56:22, 58:8, 59:18, 62:23, 65:15, 66:6, 68:17, 69:6, 69:7, 71:4, 71:11, 71:17, 73:5 parties [7] - 3:15, 47:19, 52:6, 54:18, 54:20, 67:2, 70:11 partnership [1] - 16:4 parts [1] - 57:11 party [3] - 7:23, 16:13, 46:14 patterns [1] - 19:8 pay [3] - 11:21, 37:19, 59:25 PCS [2] - 62:7, 64:5 peak [1] - 57:11</p>	<p>piece [2] - 18:22 Pierre [2] - 2:3, 77:13 pin [2] - 32:8, 33:7 place [1] - 40:10 plan [3] - 8:16, 24:19, 30:18 planned [1] - 39:20 planning [1] - 31:22 plans [2] - 24:12, 24:17 play [1] - 23:24 plug [1] - 57:8 point [19] - 4:5, 5:11, 7:18, 7:19, 9:20, 9:23, 21:14, 21:16, 21:18, 24:5, 24:20, 25:6, 29:17, 30:3, 45:8, 63:4, 64:25, 66:13, 72:23 pointing [2] - 60:23, 63:24 points [7] - 4:3, 4:7, 5:10, 6:13, 7:21, 54:15, 71:22 policy [1] - 14:12 pool [3] - 71:6, 74:4, 75:7 pooled [1] - 72:3 POP [2] - 4:23, 5:2 populate [2] - 29:11,</p>	

<p>revenue's [1] - 22:7 revenues [8] - 21:4, 21:9, 23:2, 23:23, 24:6, 36:6, 72:21 review [3] - 34:19, 43:3, 55:11 rights [4] - 71:6, 74:4, 75:6, 75:7 RISLOV [2] - 24:10, 67:22 Rislov [6] - 1:15, 24:9, 24:10, 67:21, 67:23, 68:11 RLEC [1] - 66:14 road [1] - 32:25 Rolayne [2] - 1:13, 9:15 rolling [2] - 12:19, 14:10 rollout [1] - 31:22 rooms [1] - 24:2 route [5] - 44:21, 45:12, 45:13, 45:21, 46:11 routed [2] - 29:12, 29:21 routes [6] - 4:2, 5:9, 6:6, 45:9, 45:16, 46:18 routing [2] - 7:7, 32:10 ruled [1] - 65:12 Rules [2] - 7:20, 16:12 ruling [4] - 5:13, 5:14, 5:15, 5:18 run [2] - 23:22, 36:19 rural [2] - 34:10, 34:20</p>	<p>61:2, 63:5, 69:12 seek [6] - 7:2, 7:22, 29:17, 30:25, 31:7, 38:12 seeking [8] - 7:21, 17:25, 23:8, 49:14, 49:19, 50:12, 61:12, 71:12 seeks [1] - 64:4 seem [5] - 32:9, 35:8, 50:10, 59:8, 61:19 sees [1] - 50:8 select [1] - 7:12 sell [1] - 75:1 Semmler [1] - 1:14 send [3] - 12:8, 27:21, 60:22 sends [5] - 11:15, 12:7, 12:12, 14:4, 14:5 sense [2] - 24:8, 49:10 sent [2] - 10:20, 61:11 separate [5] - 15:6, 50:1, 60:12, 62:12 separately [2] - 15:3, 19:7 served [1] - 17:10 service [16] - 6:7, 6:21, 7:5, 15:8, 15:9, 16:9, 16:17, 17:1, 21:5, 21:7, 29:15, 29:16, 30:13, 30:16, 30:18 services [2] - 16:3, 56:9 set [1] - 73:25 seven [1] - 18:6 several [1] - 40:5 shall [1] - 3:7 share [6] - 15:22, 15:24, 16:6, 59:22, 60:14 shared [3] - 39:20, 55:17, 60:6 sharing [8] - 55:16, 55:19, 58:22, 58:24, 58:25, 59:2, 59:23 shed [1] - 72:8 shell [1] - 66:11 shield [1] - 53:11 shorthand [2] - 77:9 shot [1] - 67:3 show [3] - 48:16, 48:18, 63:8 showing [2] - 21:17, 21:18 shows [1] - 51:9 similar [3] - 3:15, 10:23, 26:24 similarly [1] - 5:6</p>	<p>simple [3] - 32:10, 37:11, 72:10 simply [13] - 4:8, 7:12, 25:25, 32:2, 36:10, 36:18, 38:2, 38:20, 42:23, 45:17, 46:12, 57:15, 63:23 sink [1] - 61:4 Sioux [20] - 4:23, 5:2, 5:8, 6:24, 7:1, 8:11, 8:14, 8:25, 27:14, 27:16, 29:18, 30:2, 31:1, 31:7, 31:16, 40:7, 51:2, 51:3, 51:5, 51:22 Sisak [34] - 1:18, 4:16, 13:19, 17:20, 18:20, 19:5, 27:18, 28:5, 28:15, 30:9, 31:24, 32:15, 32:19, 35:18, 37:25, 44:24, 47:19, 48:1, 48:24, 54:5, 54:16, 56:2, 61:5, 62:4, 63:7, 64:12, 64:14, 66:2, 67:5, 67:23, 68:20, 69:14, 71:9, 76:2 SISAK [75] - 3:14, 3:19, 5:15, 5:22, 6:2, 6:4, 10:19, 13:22, 14:25, 17:22, 18:21, 19:6, 20:22, 21:3, 23:3, 23:5, 25:6, 25:17, 25:20, 26:4, 26:17, 28:16, 28:25, 29:4, 29:7, 29:9, 30:10, 32:1, 33:1, 34:4, 35:19, 36:1, 38:1, 39:12, 39:16, 41:11, 41:15, 42:5, 42:9, 42:13, 43:9, 43:12, 43:18, 44:3, 44:7, 44:11, 44:25, 45:6, 46:2, 46:5, 47:20, 48:25, 51:23, 51:25, 54:6, 54:17, 54:24, 56:3, 60:3, 60:5, 61:6, 62:5, 62:22, 63:10, 64:15, 66:3, 67:6, 68:21, 69:16, 69:19, 71:10, 74:16, 74:19, 76:13, 76:17 Sisak's [3] - 9:16, 16:23, 29:25 situation [3] - 8:9, 16:19, 53:6 situations [1] - 63:20 slightly [1] - 6:9 sole [1] - 38:8</p>	<p>someone [2] - 63:22 someplace [1] - 6:23 somewhat [5] - 13:18, 31:11, 32:7, 63:16, 66:16 somewhere [1] - 9:5 sorry [10] - 5:22, 17:17, 18:9, 20:12, 41:1, 45:10, 45:12, 54:9, 62:22, 74:16 Sorry [1] - 44:16 sort [2] - 66:15, 67:25 sought [4] - 7:25, 13:23, 23:5, 44:18 sounded [1] - 62:3 SOUTH [2] - 1:2, 77:1 South [18] - 2:3, 7:20, 15:2, 16:5, 16:7, 17:4, 17:6, 17:14, 18:14, 18:16, 22:4, 23:10, 23:15, 27:25, 38:19, 62:25, 77:7, 77:13 space [8] - 55:16, 56:5, 57:3, 58:25, 59:4, 59:22, 60:6, 60:14 speaking [2] - 5:24, 67:23 specific [16] - 16:6, 27:1, 27:5, 38:17, 43:4, 55:18, 55:21, 56:8, 64:20, 64:21, 64:25, 65:5, 65:14, 65:16, 71:18, 75:4 specifically [7] - 29:9, 29:14, 58:18, 62:24, 66:3, 74:5, 75:1 spread [1] - 61:3 Sprint [127] - 3:11, 4:1, 4:9, 4:15, 4:18, 4:20, 4:23, 5:1, 5:12, 5:13, 6:6, 6:7, 6:14, 6:20, 6:25, 7:17, 8:13, 8:14, 8:20, 8:24, 9:1, 9:5, 9:18, 10:24, 11:8, 11:14, 11:24, 12:4, 12:6, 12:7, 12:8, 12:12, 12:18, 12:23, 13:5, 14:3, 14:4, 14:9, 15:2, 15:8, 15:14, 15:17, 15:23, 16:2, 16:12, 16:14, 17:4, 17:13, 18:4, 18:14, 18:15, 19:13, 19:24, 20:10, 20:23, 21:4, 21:9, 23:8, 23:13, 23:16, 23:21, 26:20, 27:6, 27:8, 27:21, 27:22,</p>	<p>27:24, 28:4, 28:25, 10 29:10, 29:15, 30:11, 30:13, 30:15, 31:14, 31:19, 31:22, 32:2, 32:5, 32:18, 32:20, 33:3, 33:5, 33:15, 34:5, 34:8, 34:19, 36:1, 36:2, 36:7, 36:10, 36:24, 36:25, 37:2, 37:17, 37:22, 38:2, 38:6, 38:10, 38:12, 38:18, 39:13, 39:16, 39:20, 39:23, 40:4, 40:11, 41:12, 41:15, 42:1, 42:6, 42:9, 42:16, 42:21, 44:3, 44:4, 47:5, 52:24, 65:20, 69:3, 70:2 Sprint's [14] - 3:20, 7:13, 8:10, 15:19, 16:15, 23:6, 24:17, 29:14, 29:17, 29:22, 30:2, 31:6, 42:13, 45:19 SS [1] - 77:2 staff [8] - 9:11, 46:22, 46:25, 58:18, 58:25, 59:5, 60:6, 73:11 Staff [6] - 17:16, 22:24, 30:5, 35:3, 40:17, 52:4 STAFF [1] - 1:13 Staff's [2] - 13:14, 58:10 staff's [2] - 52:11, 53:8 stand [2] - 12:16, 73:8 standard [2] - 14:12, 34:17 standpoint [1] - 13:4 start [2] - 17:19, 24:2 state [5] - 8:8, 17:1, 31:20, 31:23, 34:11 State [9] - 2:2, 17:14, 77:7 STATE [2] - 1:2, 77:1 statement [14] - 27:13, 27:19, 29:19, 33:10, 33:11, 33:15, 34:13, 36:11, 37:3, 37:10, 37:15, 38:3, 38:4, 54:25 statements [8] - 9:16, 29:22, 32:6, 32:7, 33:3, 33:4, 33:5, 36:5 States [1] - 34:21 states [4] - 26:19, 34:17, 36:7, 36:20 STEVE [1] - 1:11</p>
S				
<p>safe [1] - 31:11 satisfies [1] - 68:15 satisfy [2] - 68:12, 68:19 scene [1] - 75:13 SDN [18] - 4:24, 45:13, 46:18, 71:4, 71:5, 71:6, 71:13, 71:17, 71:19, 72:13, 72:21, 73:17, 74:4, 74:14, 74:19, 75:7, 75:9 SDSU [1] - 23:25 second [2] - 21:18, 65:15 Second [1] - 8:8 See [1] - 59:7 see [8] - 8:15, 9:6, 13:9, 24:6, 32:12, 43:4, 50:17, 70:19 seeing [4] - 25:23,</p>				

<p>stick [1] - 39:2 still [3] - 17:20, 50:14, 52:17 stipulating [1] - 55:3 straightforward [2] - 71:3, 72:11 stretch [1] - 74:25 students [2] - 24:1, 24:2 studied [1] - 23:13 studies [1] - 22:12 study [3] - 48:9, 48:16, 49:15 subject [3] - 27:4, 37:15, 46:8 submitted [2] - 41:17, 41:19 subpart [2] - 18:18 subparts [3] - 14:6, 27:1, 27:5 subscribers [4] - 17:10, 17:12, 17:13, 17:21 substitute [2] - 26:2, 26:3 successful [2] - 36:7, 36:12 sufficient [5] - 22:13, 40:9, 42:7, 43:9, 50:20 suggest [2] - 38:16, 67:25 suggestion [2] - 37:9, 52:5 suggestions [1] - 73:18 supplemental [3] - 4:22, 4:25, 31:15 support [6] - 31:6, 33:9, 34:9, 36:11, 42:15, 43:1 supported [3] - 33:14, 34:14 supporting [1] - 34:22 suppose [1] - 24:18 surmise [1] - 30:17 suspect [1] - 23:13 suspension [7] - 46:9, 51:3, 56:13, 56:25, 71:14, 75:11, 75:14 SUSPENSION [1] - 1:5 Suspension [1] - 3:4 SWIFTEL [1] - 1:4 Swiftel [109] - 3:4, 3:13, 3:16, 4:11, 5:1, 5:13, 5:15, 6:15, 7:6, 7:20, 8:16, 8:22, 9:2, 9:3, 9:21, 10:6, 10:10, 10:20, 11:12,</p>	<p>11:15, 11:18, 12:5, 12:6, 12:7, 12:8, 12:25, 13:4, 14:4, 14:25, 15:13, 15:16, 15:22, 15:24, 16:9, 16:17, 18:14, 19:17, 19:24, 20:10, 20:22, 21:3, 21:12, 21:13, 21:15, 22:16, 23:14, 23:19, 23:20, 24:4, 24:16, 25:8, 27:7, 29:16, 31:16, 34:13, 40:7, 40:10, 42:1, 42:7, 43:9, 44:14, 44:18, 45:1, 45:16, 46:5, 46:9, 46:11, 46:16, 46:17, 46:21, 47:24, 48:8, 49:1, 49:4, 49:5, 55:12, 56:12, 59:19, 60:8, 60:10, 60:11, 62:6, 62:7, 62:12, 62:13, 62:14, 64:22, 66:15, 66:25, 67:7, 67:8, 68:1, 68:8, 68:22, 69:25, 71:4, 71:10, 71:15, 71:18, 72:1, 72:7, 72:8, 72:13, 72:21, 72:22, 74:14, 75:3, 75:9 Swiftel's [29] - 3:10, 7:5, 7:12, 8:7, 8:12, 15:8, 15:18, 15:21, 21:5, 21:6, 21:17, 21:18, 29:12, 30:12, 30:16, 30:17, 36:5, 46:15, 46:16, 64:5, 65:3, 65:4, 65:6, 71:7, 71:12, 71:14, 72:6, 73:5 switch [4] - 4:24, 5:8, 61:22 switched [1] - 8:21 switches [2] - 4:1, 60:12 sword [1] - 75:14 sworn [4] - 33:10, 33:11, 33:15, 37:15 system [1] - 8:25</p>	<p>telecommunications [4] - 56:15, 56:17, 59:14, 60:7 Telecommunication s [1] - 59:16 telecommunications -related [1] - 56:15 telephone [8] - 1:18, 1:18, 15:25, 29:10, 32:19, 58:2, 59:25, 61:24 tendency [1] - 9:25 tentatively [1] - 74:11 terminates [1] - 11:18 termination [1] - 10:21 terms [6] - 21:13, 21:15, 54:18, 54:20, 54:25, 71:3 Terri [1] - 1:16 territories [1] - 40:8 territory [3] - 8:8, 27:15, 30:3 testimony [7] - 9:4, 15:19, 34:5, 36:5, 38:3, 69:5 THE [5] - 1:1, 1:2, 1:4, 1:10 therefore [9] - 10:25, 12:6, 42:10, 42:17, 44:4, 44:9, 45:13, 46:9, 50:2 they've [9] - 6:16, 18:19, 20:2, 41:22, 58:1, 59:24, 65:17, 67:12, 75:10 third [1] - 46:14 third-party [1] - 46:14 thoughts [2] - 10:2, 10:3 thousands [1] - 35:7 three [1] - 34:21 today [1] - 63:21 together [1] - 40:13 toll [10] - 13:25, 15:4, 15:7, 15:8, 15:14, 18:23, 18:25, 19:5, 22:21 took [1] - 77:9 total [6] - 12:8, 20:3, 50:5, 60:15, 65:23, 69:3 toward [1] - 66:20 towards [1] - 59:24 traffic [80] - 5:2, 6:13, 8:14, 8:18, 8:20, 10:20, 10:22, 11:3, 11:5, 11:6, 11:8, 11:15, 11:17, 11:18, 11:21, 11:22, 12:2,</p>	<p>12:5, 12:7, 12:8, 12:9, 12:11, 12:23, 12:24, 12:25, 13:4, 13:23, 13:25, 14:1, 14:2, 14:4, 19:10, 19:15, 21:13, 22:20, 30:1, 30:12, 30:13, 30:22, 34:23, 46:8, 48:9, 48:15, 48:16, 48:17, 49:6, 49:15, 49:16, 49:18, 49:24, 50:2, 50:5, 50:8, 50:14, 50:25, 51:4, 51:15, 51:22, 52:18, 53:24, 54:4, 54:14, 55:5, 64:4, 64:8, 64:18, 65:3, 65:6, 65:7, 66:14, 66:15, 67:1, 67:7, 67:9, 71:6, 72:2, 74:3, 75:7 traffic's [2] - 51:7, 64:8 TRANSCRIPT [1] - 2:1 transcript [3] - 28:17, 28:18, 29:2 Transcript [1] - 1:8 transcription [1] - 77:11 transmission [4] - 4:2, 5:9, 6:5, 45:9 transmitting [1] - 50:14 transport [30] - 4:2, 5:9, 6:5, 6:15, 6:16, 7:7, 8:12, 11:12, 21:14, 21:17, 23:19, 29:17, 30:25, 31:7, 39:20, 44:21, 45:12, 45:13, 45:16, 46:18, 50:3, 60:12, 65:4, 65:22, 71:18, 71:20, 74:6, 75:2, 75:4 transporting [1] - 6:13 treat [1] - 42:3 tried [2] - 36:10, 36:20 trigger [1] - 58:19 triggering [1] - 54:15 triple [1] - 23:24 trivial [1] - 71:23 true [5] - 19:1, 29:19, 61:15, 61:16, 77:11 truly [1] - 27:25 trunks [3] - 12:5, 12:9, 12:13 truth [1] - 32:8 try [3] - 5:19, 31:12, 36:19 trying [4] - 21:24, 32:8, 45:10, 66:24</p>	<p>turn [2] - 3:1, 44:13 11 two [14] - 21:22, 27:1, 27:5, 47:16, 48:1, 48:21, 51:5, 53:4, 60:12, 60:13, 64:15, 65:21, 68:16, 71:22 type [4] - 15:10, 15:12, 44:20, 60:23 types [2] - 10:22, 14:4</p>
T		U		
<p>table [1] - 38:23 Talbot [2] - 1:18, 4:20 talks [1] - 8:17 tandem [7] - 11:5, 11:7, 11:16, 11:19, 13:3, 13:10, 13:20 TC07-007 [2] - 1:5, 3:7</p>				V
				<p>vague [3] - 37:6, 38:3, 38:4 value [2] - 24:15, 74:12 various [7] - 6:13, 10:21, 20:23, 23:20, 41:21, 44:18, 64:18 vast [2] - 19:12, 19:17</p>

<p>vehicles ^[1] - 57:5 venture ^[1] - 38:25 Verizon ^[1] - 50:24 versus ^[9] - 14:1, 15:7, 18:22, 18:23, 19:9, 19:11, 19:17, 68:16 VICE ^[1] - 1:11 volume ^[2] - 10:20, 66:13 volumes ^[1] - 12:2 vote ^[3] - 25:21, 26:8, 39:6 voted ^[1] - 26:3 votes ^[14] - 10:17, 14:22, 20:20, 25:4, 26:15, 34:2, 35:16, 39:9, 41:9, 44:1, 47:14, 53:19, 70:9, 76:9</p>	<p>28:8, 28:11, 29:3, 29:5, 29:24, 31:14, 34:16, 36:15, 37:14, 37:17, 40:3, 41:24, 43:3, 44:16, 45:4, 45:23, 47:22, 47:25, 50:22, 52:16, 52:20, 52:22, 53:21, 54:9, 55:3, 55:9, 57:23, 58:21, 59:6, 59:15, 59:20, 60:21, 61:10, 61:14, 61:18, 62:2, 62:19, 63:3, 64:4, 64:13, 65:19, 67:11, 68:13, 69:1, 70:3, 70:21, 71:2, 73:8, 73:22, 74:23, 76:18, 76:24 Wieczorek's ^[7] - 42:5, 44:25, 46:2, 52:4, 68:3, 68:10, 69:20 Wiest ^[20] - 1:13, 4:13, 9:9, 9:15, 13:17, 17:18, 18:9, 22:25, 30:6, 30:10, 35:5, 37:4, 40:19, 46:24, 52:10, 52:16, 58:13, 66:9, 66:10, 73:13 WIEST ^[37] - 4:15, 5:4, 5:21, 9:11, 9:15, 13:18, 14:8, 17:19, 18:3, 18:7, 18:17, 19:20, 20:2, 23:1, 25:21, 28:6, 28:9, 28:14, 28:23, 30:7, 30:24, 31:5, 35:6, 37:5, 40:20, 46:25, 47:7, 50:20, 52:11, 52:17, 52:21, 58:14, 59:4, 59:13, 66:12, 66:23, 73:14 Wiest's ^[2] - 23:3, 67:6 willing ^[2] - 54:23, 54:24 wireless ^[68] - 10:25, 11:3, 11:17, 13:24, 14:1, 17:10, 17:11, 17:13, 17:21, 17:23, 18:1, 18:8, 18:10, 24:1, 26:21, 27:25, 29:10, 30:3, 30:12, 30:13, 30:22, 31:18, 31:19, 31:22, 36:2, 36:6, 36:10, 36:20, 37:17, 48:8, 48:14, 48:23, 49:1, 49:2, 49:11, 50:5, 51:14, 51:15, 51:18, 52:18, 52:24, 56:4, 56:18,</p>	<p>56:20, 56:21, 57:4, 57:8, 57:13, 57:16, 58:5, 58:7, 60:11, 61:21, 61:22, 62:7, 62:11, 62:13, 62:14, 64:6, 64:10, 64:18, 65:3, 65:11, 65:14, 65:24, 68:16, 69:4 Wireless ^[1] - 48:20 wireline ^[4] - 11:2, 11:16, 14:1, 58:6 wish ^[1] - 43:16 withdraw ^[1] - 26:5 withdrawing ^[1] - 43:16 withdrawn ^[1] - 70:17 Witness ^[1] - 15:19 witness ^[2] - 34:5, 37:24 WITTLER ^[1] - 77:5 Wittler ^[1] - 77:18 wonder ^[1] - 29:22 wondering ^[1] - 3:9 word ^[3] - 53:11, 76:2, 76:3 worth ^[1] - 59:11 write ^[2] - 52:16, 54:19 writing ^[1] - 54:8 written ^[4] - 37:10, 53:23, 54:11, 72:18</p>
W		
<p>waive ^[1] - 61:14 waived ^[1] - 70:21 wants ^[2] - 40:6, 53:3 wastewater ^[2] - 58:8, 58:9 web's ^[1] - 47:18 week ^[4] - 28:5, 29:3, 29:6, 48:5 weight ^[1] - 32:21 west ^[1] - 28:2 Whereas ^[1] - 33:11 whole ^[5] - 14:2, 24:13, 51:9, 61:24, 72:22 Wieczorek ^[52] - 1:18, 4:20, 8:2, 9:21, 11:9, 12:15, 13:15, 16:20, 17:17, 18:24, 19:2, 20:6, 21:20, 25:9, 26:18, 27:10, 30:19, 31:13, 32:3, 34:15, 35:24, 36:14, 37:12, 38:9, 38:16, 40:2, 41:23, 43:2, 47:21, 50:18, 50:21, 52:17, 52:19, 55:2, 57:21, 58:17, 59:10, 60:19, 60:20, 61:9, 62:18, 62:22, 63:2, 63:8, 65:18, 66:5, 67:5, 67:10, 68:12, 71:1, 73:7, 73:17 WIECZOREK ^[64] - 4:20, 5:17, 8:3, 12:16, 14:12, 16:21, 18:9, 19:3, 20:7, 21:21, 23:22, 27:11,</p>	<p>Wiest ^[20] - 1:13, 4:13, 9:9, 9:15, 13:17, 17:18, 18:9, 22:25, 30:6, 30:10, 35:5, 37:4, 40:19, 46:24, 52:10, 52:16, 58:13, 66:9, 66:10, 73:13 WIEST ^[37] - 4:15, 5:4, 5:21, 9:11, 9:15, 13:18, 14:8, 17:19, 18:3, 18:7, 18:17, 19:20, 20:2, 23:1, 25:21, 28:6, 28:9, 28:14, 28:23, 30:7, 30:24, 31:5, 35:6, 37:5, 40:20, 46:25, 47:7, 50:20, 52:11, 52:17, 52:21, 58:14, 59:4, 59:13, 66:12, 66:23, 73:14 Wiest's ^[2] - 23:3, 67:6 willing ^[2] - 54:23, 54:24 wireless ^[68] - 10:25, 11:3, 11:17, 13:24, 14:1, 17:10, 17:11, 17:13, 17:21, 17:23, 18:1, 18:8, 18:10, 24:1, 26:21, 27:25, 29:10, 30:3, 30:12, 30:13, 30:22, 31:18, 31:19, 31:22, 36:2, 36:6, 36:10, 36:20, 37:17, 48:8, 48:14, 48:23, 49:1, 49:2, 49:11, 50:5, 51:14, 51:15, 51:18, 52:18, 52:24, 56:4, 56:18,</p>	<p>Y</p> <p>year ^[5] - 12:20, 17:25, 18:2, 24:11, 24:19 years ^[9] - 18:6, 19:25, 20:3, 20:5, 20:11, 21:5, 22:8, 34:21, 48:21 yesterday ^[3] - 3:20, 5:5, 61:11</p>
Z		
<p>zone ^[1] - 76:14</p>		