THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING FOR APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN MIDCONTINENT TC03-192 COMMUNICATIONS AND INTERSTATE TELECOMMUNICATIONS COOPERATIVE, INC. Transcript of Proceedings April 6, 2004 BEFORE THE PUBLIC UTILITIES COMMISSION, ROBERT SAHR, CHAIRMAN GARY HANSON, VICE CHAIRMAN JIM BURG, COMMISSIONER RECEIVED COMMISSION STAFF Rolayne Ailts Wiest APR 1 9 2004 John Smith SOUTH DAKOTA PUBLIC Karen Cremer UTILITIES COMMISSION Greg Rislov Harlan Best Jim Mehlhaff Steve Wegman Tina Douglas Dave Jacobson Michele Farris Sue Schaefer Pam Bonrud APPEARANCES Darla Pollman Rogers Rich Coit David Gerdes Jeff Larson ALSO PRESENT: Rod Bowar Reported By Cheri McComsey Wittler, RPR



Case Compress

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1	THE PUBLIC UTILITIES COMMISSION	1	3
2	OF THE STATE OF SOUTH DAKOTA	1	CHAIRMAN SAHR: TC03-192, In the
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		2	Matter of the Filing For Approval of an
4	IN THE MATTER OF THE FILING FOR APPROVAL OF AN INTERCONNECTION	3	Interconnection Agreement Between Midcontinent
5	AGREEMENT BETWEEN MIDCONTINENT TC03-192	4	Communications and Interstate Telecommunications
6	COMMUNICATIONS AND INTERSTATE TELECOMMUNICATIONS COOPERATIVE, INC.	5	Cooperative, Inc.
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7		6	And the question today is how shall the
8	Transcript of Proceedings April 6, 2004	7	Commission proceed.
9	ND777 0, 2004	8	And, Mr. Gerdes, are you representing
10		9	Midcontinent in this matter?
	BEFORE THE PUBLIC UTILITIES COMMISSION,	1	MR. GERDES: Mr. Chairman, members
11	ROBERT SAHR, CHAIRMAN GARY HANSON, VICE CHAIRMAN	10	
12		11	of the Commission, yes, I'm Dave Gerdes, and I
13		12	represent Midcontinent in this proceeding.
14	Rolayne Ailts Wiest John Smith	13	CHAIRMAN SAHR: Interstate
	Karen Cremer	14	Communications? Ms. Rogers, it might just be
15	Greg Rislov Harlan Best		
16	Jim Mehlhaff	15	easiest if we ask you both to come forward.
17	Steve Wegman Y Tina Douglas	16	MS. ROGERS: Thank you, Mr. Chair.
18	Dave Jacobson Michele Farris	17	I'm Darla Rogers appearing for Interstate and also
	Sue Schaefer	18	on line is Mary Sisak and Ben Dickens, and they are
19	9 Pam Bonrud		
20		19	co-counsel in this case.
2	Darla Pollman Rogers 1 Rich Coit	20	CHAIRMAN SAHR: Thank you. I'm
	David Gerdes	21	going to go ahead and turn it over to Mr. Smith, I
2:		22	believe, and ask him to talk a little bit about the
2	3 ALSO PRESENT: Rod Bowar		
2	4 Reported By Cheri McComsey Wittler, RPR	23	procedural aspects and try to flush out where we
2	5 "	24	think we need to go from here on this case.
		25	MR. SMITH: I think what I'd like
			·····
	2 APPEARANCES BY TELEPHONE		4
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1	won't go into a lot of detail except to say that we	1	that Midco was not satisfied with these
2	think there's an independent basis for what we're	2	communications, and we did try to keep them
3	asking for to the extent that we ask for an order	3	informed of our progress, and we did, in fact,
4	requiring intersection or, excuse me, that we	4	notify them before they filed their motion to
5	ask for an order requiring LNP.	5	compel that we were going to file a suspension
6	That would probably be the same as the second	6	petition, as we believe is our right pursuant to
7	docket that you mentioned in the sense that it's	7	the interconnection agreement and clearly is our
8	our position that this is a request for wireline to	8	right pursuant to the Communications Act.
9	wireline LNP, different from all the other	9	So, obviously, the Commission can look at the
10	suspensions that are requested.	10	facts of whether or not the communications were
11	To my knowledge there's no order from the FCC	11	negotiations. We believe they were. It appears
12	specifically affecting that subject as it's dealt	12	that possibly Midco doesn't think they were. But,
13	with in the Federal Act. And the Federal Act is	13	in any event, in terms of the final resolution, our
14	unequivocal in saying there is an obligation to	14	position is we clearly have the right to request
15	provide LNP, other than the fact that a person can	15	suspension of the LNP requirement, and if the
16	apply for suspensions.	16	Commission grants that suspension, then there would
17	11.5	17	-
18	So we think that there's an independent basis	18	seem to be no reason at this time to go forward
	in the sense that we've never had any negotiations.		with trying to implement LNP.
19	We're certainly entitled to negotiations on that	19	CHAIRMAN SAHR: The question that I
20	subject.	20	would have for both of the parties is and I can
21	And the only other thing I'll say, neither the	21	understand the suspension argument that ITC is
22	temporary suspension nor the so-called six-month	22	making. When we get to the actual hearing on the
23	suspension is mandatory under 251(f)(2). It's	23	merits of the issue of whether or not LNP should be
24	totally discretionary with this Commission. And we	24	going forward, at that point it does seem like
25	believe that there are substantial factual	25	there are some significant differences or some
	6		8
1	differences between wireline to wireline LNP and	1	substantially different issues that are going to
2	wireline to wireless LNP, and we wish to explore	2	come in that are involved in a wireline to wireline
3	those and we wish to receive LNP.	3	or, in this case, wireline to cable, however you
4	MS. ROGERS: I would defer to Ben or	4	want to characterize it, that may be different than
5	Mary if they want to address your question.	5	what we would see in all of the other dockets that
6	MS. SISAK: Yes. Actually I think	6	are before the Commission right now that I could
7	that there's a great deal of relationship between	7	see very likely could be handled in one large case.
8	this case and the petition for suspension.	8	And I was wondering if we could kind of move
9	Obviously, if the petition for suspension is	9	past the suspension issue and discuss whether or
10	granted and Interstate is not required to provide	10	not once we think we're going to hearing on the
11	LNP for some period of time, it would seem to be a	11	merits, whether or not we think the cases are
12	waste of everyone's effort to at this point engage	12	sufficiently similar to the other LNP cases to be
13	in further negotiation on LNP.	13	heard at the same time or if we should be looking
14	So we would suggest that at a minimum it would	14	at a separate proceeding.
15	seem to be more administratively efficient to not	15	MR. GERDES: Mr. Chairman, on behalf
16	even address the question of the motion to compel	16	of Midcontinent, that's precisely what I perhaps
17	until the suspension petition is resolved.	17	didn't what I was trying to say but didn't say,
18	However, we did present evidence we dispute	18	and that is that there is a significant difference,
19	the characterization of bad-faith negotiation. And	19	we believe, between wireline to wireline LNP and
20	it seems to me that we might have a difference of	20	wireline to wireless LNP.
21	opinion of perspective. We clearly had	21	And the other distinction is that we have and
22	communications between the parties. We've attached	22	have had since last December an interconnection
22	to our opposition the various e-mail messages, and	23	agreement approved by the Commission, and we want
23	there were some phone calls as well.	23	to do business. And we think it's unfair to
24	And from our perspective we had no indication	24	Midcontinent which has this interconnection
	AND TOTO OUT DEISDECHVE WE HAD DO HICHCATION	1 ZU	INTEGRATION WHEN HAS THIS INTERCONNECTION

	ompressg		
1	agreement and which can't effectively do business	1	the same cost information in two separate
2	without LNP to wait until the question of wireless	2	proceedings. And that is why we filed as one
3	to wireline is decided.	3	all encompassing petition. Because the very
4	Because we see this as something that	4	important aspect of the request for suspension is
5	immediately affects our business, and it's	5	focused on the cost of implementing LNP and that
6	something that is significantly different.	6	cost is was the cost associated with
7	Now most of the petitions that I've read not	7	implementing LNP are largely the same.
8	only from ITC ·· I mean, ITC's petition focuses on	8	And if they are incurred for the purposes of
9	the same things the other petitions do, and that is	9	LNP for Midco, there are some differences, but to a
10	as to wireline to wireless that they have these	10	large extent it would be the same cost that would
11	significant problems because there's no point of	11	be incurred for the purposes of LNP for wireless
12	presence in the call center under the wireless	12	carriers. And we've provided exhibits to show the
13	situation that would require transport, all of	13	difference, but the basic question is the same.
14		14	CHAIRMAN SAHR: Thank you. Staff.
14	those problems.	15	-
	Those problems are not present, as I		MS. CREMER: Thank you. This is
16	understand it, in wireline to wireline. We have a	16	Karen Cremer. Midcontinent has asked for has
17	point of presence right now in their call center.	17	requested four things. One is to establish a
18	So that certainly isn't a problem.	18	procedural schedule with discovery and hearing
19	And on the technical side I certainly am not	19	dates. I think the Commission should grant that.
20	well versed on the technical side, but I would	20	Secondly, they have asked to hold an
21	submit that we're entitled to have this heard as	21	evidentiary hearing. Mr. Gerdes might. I don't
22	expeditiously as possible, and that's why the	22	know enough about how the network works necessarily
23	motion asked for that, in order to get on with it	23	to know there is a huge difference between wireline
24	as it relates to wireline to wireline.	24	to wireline and wireline to wireless.
25	We have no interest in the wireless side of	25	But I believe he does make a point that they
			12
1	this issue, but because it's in their petition	1	are working under a interconnection agreement. I
2	they want both. Most of the other petitions only	2	believe facts and circumstances here are different
3	deal with wireless of the however many we have	3	that would require this to be on a separate track,
4	pending now, 10 or 12. I think there's only two	4	and I don't believe there's any harm in holding
5	that deal with wireline.	5	this separate from the other LNP hearings.
6	So that's what we see. We see two basic	6	As to ordering them to engage in good-faith
7	differences. Number one, we have an	7	negotiations in the next month and to order them to
8	interconnection agreement that's not worth anything	8	provide wire to wire porting by May 4, I would not
9	right now to us as a business matter, and, number	9	recommend granting those because of my belief that
	•		we should hold a hearing on this matter.
10	two, there's a significant difference between the	10	
144	two kinds of IND that walks tooking for and	144	
11	two kinds of LNP that we're looking for and,	11	CHAIRMAN SAHR: Thank you. Any
12	therefore, we believe that we're entitled to be a	12	CHAIRMAN SAHR: Thank you. Any questions?
12 13	therefore, we believe that we're entitled to be a different procedural track than the wireless.	12 13	CHAIRMAN SAHR: Thank you. Any questions? COMMISSIONER BURG: Yeah. I have a
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	Compress			
	13		15	
1	want to call it.	1	of density of the particular companies and cost	
2	MR. GERDES: My understanding is	2	sharing and those types of things. So I can see	
3	there is not.	3	some great advantages to having one hearing on	ł
4	COMMISSIONER BURG: Darla?	4	those type of issues.	
5	MS. ROGERS: I don't know of any	5	My concern is if we start bringing in this	
6	particular, you know, distinction between those.	6	particular matter into those hearings, although	
7	There may be some technical issues, but I can't	7	there is some overlap, suddenly we're going to	
8	address that.	8	start talking about an interconnection agreement,	ł
9	COMMISSIONER BURG: And it seems	9	we're going to start talking about good faith	
10	like I've gathered that one of the questions on LNP	10	negotiations and bringing in a number of other	
11	is the switch update; is that correct?	11	issues that I think may begin to make it a little	
12	MS. ROGERS: That's correct.	12	bit unwieldy to go forward in an orderly fashion	
13	COMMISSIONER BURG: So you would	13	because we're going to have a number of dockets	l
14	still need the switch update to do wireline to	14	we're going to be hearing at the exact same time.	
15	wireline so you're looking at that expense at the	15	And there may be some challenges where we	
16		16	start bringing in some issues from the wireline to	
17	least; is that correct?	17		
18	MS. ROGERS: I guess that was our point here. Our petition for suspension of LNP is	18	wireline or wireline to cable side of things that may make it more challenging to hold an orderly	
		1		
19	it encompasses all local number portability, not	19	hearing on all of those other others matters.	
20	just wireline to wireless. So that's why it seems	20	And, Ms. Rogers, you're kind of indicating you	
21	to me that you are going to be addressing the same	21	don't think that is going to be the case?	
22	issues, and there's no need to keep this	22	MS. ROGERS: 1 think the evidentiary	
23	necessarily on a separate track.	23	questions that you would be exploring in the course	
24	MR. GERDES: My perspective on this,	24	of the suspension petitions are going to encompass	
25	Commissioner, would be my understanding is there	25	both. They're going to encompass wireline to	
	14		16	3
1	14 are some intermediate measures that can be taken	1		5
1	are some intermediate measures that can be taken	1	16 wireline, and they're going to encompass wireline to wireless.	5
1 2 3		1 2 3	wireline, and they're going to encompass wireline to wireless.	5
3	are some intermediate measures that can be taken technically short of replacing the switch as to address that.	3	wireline, and they're going to encompass wireline to wireless. And I think it would probably be more unwieldy	5
3 4	are some intermediate measures that can be taken technically short of replacing the switch as to address that. And I'm not a technician so that's why we'd		wireline, and they're going to encompass wireline to wireless.	5
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1	separately.	1	petitions, it's almost like somebody stuck it in
2	And that's why we're suggesting you really	2	there into a preprogrammed petition.
3	shouldn't even look at the motion to compel, which	3	And so, again, what we're talking about here
4	ultimately requests that you order us to provide	4	is dealing with a different situation and dealing
5	LNP, until you resolve our separate suspension	5	with it in a on a separate track in a more
6	petition.	6	expeditious matter. We do have a significantly
7	MR. SMITH: I know too and I just	7	different situation here where we do have an
8	bring this up, Dave is the LNP the	8	interconnection agreement. I'm not aware of any of
9	negotiation paragraph in the interconnection	9	these other petitioners that have interconnection
10	agreement itself contains a savings provision that	10	agreements going. And I would say it's just a
11	seems to and I don't say that's dispositive here	11	matter of common fairness as far as Midcontinent is
12		12	concerned.
13	in any way.	13	
	At least its interpretation might be at issue		They are related. I mean, you can't say
14	in terms of what rights that paragraph was meant to	14	they're not related.
15	preserve in terms of things like requesting	15	COMMISSIONER BURG: I was just going
16	suspension and so on.	16	to ask do you believe that the law allows them to
17	MR. GERDES: I have no doubt that it	17	ask for suspension for wireline to wireline?
18	was the intent of ITC that that savings provision	18	MR. GERDES: Yes, it does. But it
19	in the paragraph that you're referring to refers to	19	also says the law also says you don't have to
20	this the 054 proceeding.	20	give them an extra day and you don't have to give
21	But the point that we make in the 192	21	them a suspension.
22	proceeding, which is the motion to compel, is that	22	COMMISSIONER BURG: No. I
23	we believe that we were basically stone-walled for	23	understand that. But what would be the effect if
24	about four months, and then all of a sudden they	24	we held this hearing and granted the compelling you
25	drop this petition on us. We kept asking for a	25	asked for and then turned around and found throug
	18	:	2
1	meeting and never got it.	1	the case that we should allow suspension of both
2	And so I disagree with Ms. Sisak when she says	2	wireline to wireline and wireline to wireless?
3	that the petition, the 054 petition, is somehow	3	What would be the effect of the decision we
4	exclusive of the issues presented in the 192	4	made?
5	I		
	motion. They both encompass the same thing, and	5	MR. GERDES: Well, I guess, what I'm
6	that is getting us to an LNP proceeding.	6	saying is that the Commission should separate out
7	Again, I'll go back to my original comments,	7	that portion of the 054 docket that relates to
8	and that is it's manifestly unfair for us with an	8	their request for a suspension as to wireline to
9	interconnection agreement to sit here and wait for	9	wireline, and then the 054 petition would proceed
10	all of these 10 or 12 or 14 petitions to go through	10	in this omnibus proceeding as it relates to
11	what I would call a probably ponderous process.	11	wireline to wireless.
12	Again, we think that the question of LNP as it	12	I believe that what we have said in the
13	relates to wireless to wireline is significantly	13	192 motion asking for immediate interconnection is
14	different. All you have to do is read the	14	sufficient to place that question before the
15	petitions. They say that. Every one of these	15	Commission and that that that the 192 motion
16	carriers that are asking for the relief are talking	16	should go forward along with that portion of the
17	about the fact that there's no presence in the call	17	054 petition that relates to wireline to wireline
18	center and that that's a big problem for them.	18	and that the wireline to wireless would proceed on
19	Okay. That's fine. I'll accept that. But we	19	with the other.
20	don't have that problem. There's a big difference	20	Because we're only talking about, as l
21	right there based on what the petitions say. And	21	remember it, two of all of these carriers that have
22	that's all of them, not just ITC. ITC says it.	22	petitioned. And I think that I know that ITC is
23	And then they say, oh, by the way we want wireline	23	the only one with an interconnection agreement.
24	to wireline suspension as well.	24	COMMISSIONER BURG: I was going to
25	•		
20	I mean, if you read the context of the	25	ask that. You said there was two of them that h

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1	wireline to wireline suspension requests.	1	have it move forward on its own procedural schedule
2	MR. GERDES: 1 think Santel asked	2	with the idea that it could eventually come back
3	for it too.	3	and be heard at the same time if everything worked
4	UNIDENTIFIED SPEAKER: No.	4	out.
5	MR. GERDES: Did you not?	5	MR. SMITH: Neither party is arguing
6	COMMISSIONER BURG: Maybe for a	6	that there are not issues of fact in the 192
7	question I'd have too. I'm looking at timing. How	7	docket, are they?
8	much timing difference would there be between	8	MR. GERDES: No. I don't believe
	•		
9	hearing this one and hearing the others? Do we	9	SO.
10	have any idea?	10	MR. SMITH: So no matter what we do,
11	CHAIRMAN SAHR: Those are good	11	we're going to have to go through discovery and a
12	questions, but what I was thinking, we have staff	12	hearing.
13	attorney and we have, I think, General Counsel	13	MR. GERDES: Yeah.
14	leaning towards saying these are separate matters.	14	MR. SMITH: I think the practical
15	We have obviously a difference of disagreement	15	reality too is that the first of the suspension
16	between the parties on that. But certainly they've	16	proceedings under the 180-day time limit under the
17	acknowledged there are differences between the	17	federal law, I believe that deadline is going to
18	wireless and the wireline issues.	18	mature at, you know, within the first two weeks of
19	My inclination would be to get the ball	19	August.
20	rolling on this particular one, and have them	20	So as a practical matter, we'll be lucky to be
21	separate it, look at setting a procedural schedule.	21	much ahead of that no matter what we do here,
22	There's a lot different evidentiary issues that are	22	truthfully. I mean, because of all of the things
23	going to come forward in this, and I think both	23	we've got on the schedule, it's going to be
24	parties need to do some discovery.	24	difficult to get much ahead of that. I think
25	We're dealing with contract issues and	25	that's just the reality of it no matter what we try
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	22		24
1	agreement, those type of things. Let that get set	1	to do differently.
1 2	agreement, those type of things. Let that get set as a separate docketed item and move it along in a	1 2	to do differently. I mean, we can try to expedite it and move it
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1	where I think the discovery may show something	1	the issues are going to be so in some sense
2	along those lines. Is this going to be more of an	2	they're going to be so inextricably tied up. I
3	agreement contract type dispute, or is this going	3	don't know how as a practical matter they can not
4	to be a cost dispute?	4	be considered.
5	I would urge the parties if this is going to	5	MR. GERDES: I want to make sure for
6	be more of a cost type dispute, while there are	6	discovery purposes so we don't get into some kind
7	differences, then I would tend to lump it in with	7	of fight.
8	the LNP hearings. If it's going to be more of an	8	MR. SMITH: Over what's relevant?
9	interconnection type agreement, dispute and	9	don't know how they can be separated.
10	good faith and those type of things, I would lean	10	MS. SISAK: May I ask the Commission
11	toward keeping it separate.	11	to reconsider that last comment? It seems to me
12	But I think we can start on a separate track	12	that Petitioner, Midcontinent, in their motion to
13	with the proviso that it may end up having to or	13	compel outlined the limits of the 192 proceeding
14	may end upcoming to make more sense to have it	14	and the cost support data and other issues
15	heard at the exact same time as the other cases.	15	concerning local number portability were not part
16	So I will move that we instruct parties and	16	of their motion.
17	staff to come up with a separate procedural	17	The only thing that they brought into their
18	schedule on this matter and that this would be a	18	motion was their argument that what ITC did was not
19	separate docketed item and we move to being a	19	in good faith in accordance with the paragraph in
20	separate evidentiary hearing with the proviso,	20	the interconnection agreement. And I would
21	though, that if any of the parties feel that it is	21	respectfully request that that should be the
22	appropriate to hear it together with the other LNP	22	limitation of 192 in the procedural schedule set
23	cases, that they certainly could petition the	23	forth.
23	Commission at a later point in time, and we	24	CHAIRMAN SAHR: Midcontinent, do you
25	definitely would consider that.	25	have a response?
		20	
	26		28
1	MR. SMITH: Can I ask one clarifying	1	MR. GERDES: Well, Mr. Chairman, I
2	question?	2	disagree with that, and, again, as I mentioned
3	CHAIRMAN SAHR: Yes.	3	before, that portion of our motion that asks for
4	MR. SMITH: You're talking about	4	LNP by May 24-2004, I believe, complicates the
5	considering both dockets 192 and 054 as a separate	5	wireline to wireline issue that I just mentioned.
6	track?	6	And there's no practical I mean, if we
7	CHAIRMAN SAHR: I was just thinking.		can't go into that, we're going to end up getting
8	MR. SMITH: Or just 192?	8	bogged down in procedural and more importantly
9	CHAIRMAN SAHR: 192.	9	discovery disputes. I mean, we've got to be able
10	VICE CHAIR HANSON: Second.	10	to discover the factual issues as they come along.
11.	COMMISSIONER BURG: I am going to	11	That's why I asked the question.
12	concur. I'm a little reluctant because I believe	12	CHAIRMAN SAHR: Staff.
13	we are going to run a lot of parallel tracking,	13	MS. CREMER: I was just going to say
14	especially if you're talking about switch changes	14	why don't we see if we can work it out before we go
15	and that, but I think with the proviso we put in we	15	down this path of arguing what should and shouldn't
16	could do that.	16	be. Let's just, you know, try to work it out, and
17	l'il concur.	17	if it becomes an issue, then you can bring it
18	MR. GERDES: Could I ask a	18	before the Commission. If they ask something that
19	clarifying question?	19	you feel is absolutely outrageous and crosses the
20	CHAIRMAN SAHR: Thank you. Yes.	20	line too much in 054 and 192, then you can make a
21	MR. GERDES: When we say 054, I	21	motion.
22	mean, that we're just taking 192, we're also taking	22	MR. GERDES: We're trying to
23	that portion of 054 that relates to wireline to	23	expedite this, and it seems to me that wireline to
24	wireline; right? I mean, that's	24	wireline should be a part of what we're talking
25	MR. SMITH: Well, you know, to me	25	about, and we ought to be able to ask about that.
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1	MS. CREMER: And I agree. I agree	1	connection between 054 and this particular
2	with you.	2	proceeding from the standpoint that if the
3	MR. GERDES: All right.	3	Commission were to decide to grant you the relief
4	MS. CREMER: I just think that ITC	4	that you asked for in 054, it effectively renders
5	just needs to wait and see what you're going to ask	5	moot what happens in this case.
6	before they get	6	MS. SISAK: That is correct. And
7	COMMISSIONER BURG: I need a	7	that is why we suggest that, at a minimum, 192
8	clarification. Is this the only one is ITC the	8	should be deferred until 054 is resolved.
9	only one that has wireline to wireline, or is there	9	MR. SMITH: Well, is there a reason
10	another one? Because I certainly don't want to	10	that the proceedings, the discovery, et cetera,
11	exclude the wireline to wireline of a separate one	11	can't be proceeding? I mean, I would think that
12	and have to do that in a different hearing.	12	are you arguing that the existence of that
13	MS. CREMER: You know, I Dave	13	interconnection agreement and the discussions that
14	thought there was two, but they're saying there was	14	led up to the signing of that agreement and the
15	one.	15	subsequent discussions relating to LNP
16	COMMISSIONER BURG: To me, this	16	implementation pursuant to that agreement are
17	particular hearing, if we do it separately, if we	10	completely irrelevant to the 054 proceeding?
18	do it separately, which I think we will probably	18	MS. SISAK: No. But I'm suggesting
10	merge at some point, but if we do it separately, it	19	that they are dependant upon the ultimate relief
20	should address all the issues with wireline to	20	requested by Midco is that you order us to provide
21	wireline and not leave one hanging out here we've	21	LNP. And the purpose of any further negotiations
22	got to deal with otherwise.	22	that Midco would want would be for the purposes of
23	So I'd like to see that at least clarified.	23	implementing LNP.
24	Has anybody else filed wireline to wireline	24	And if you grant our request in 054 and we
25	suspensions?	25.	don't have to implement LNP, then all of those
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1	MS. ROGERS: The petitions as we	1 2	efforts would be wasted. And that's why we are
1 2 3	MS. ROGERS: The petitions as we filed them are broad enough they cover all LNP.	1 2 3	efforts would be wasted. And that's why we are suggesting that you should consider the end
3	MS. ROGERS: The petitions as we filed them are broad enough they cover all LNP. Okay. Now the question becomes are there other	3	efforts would be wasted. And that's why we are suggesting that you should consider the end question, whether or not Interstate must provide
3	MS. ROGERS: The petitions as we filed them are broad enough they cover all LNP. Okay. Now the question becomes are there other instances of wireline to wireline out there right	3 4	efforts would be wasted. And that's why we are suggesting that you should consider the end question, whether or not Interstate must provide LNP before you consider the motion to compel
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3	MS. ROGERS: The petitions as we filed them are broad enough they cover all LNP. Okay. Now the question becomes are there other instances of wireline to wireline out there right now? And, Mary, maybe you can help me on that. I'm	3 4	efforts would be wasted. And that's why we are suggesting that you should consider the end question, whether or not Interstate must provide LNP before you consider the motion to compel negotiation of LNP. CHAIRMAN SAHR: I think we're
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1	We can always revisit. We can always consolidate.
2 3	And I would urge the parties, though, to be a
3	little bit lenient when it comes to discovery and
4	the overlap between 192 and 054.
5	But at this point in time I think we're fine
6	with keeping them on separate tracks and eventually
7	looking at whether or not they should all be
8	consolidated in part of the very large LNP case
9	that we're kind of foreseeing.
10	MR. SMITH: I note that the next
11	Commission meeting isn't until May 11. I mean, can
12	we wait that long before getting the schedules
13	resolved on this and all of these other things?
14	We can't do it today.
15	CHAIRMAN SAHR: We could have an
16	ad hoc.
17	MR. GERDES: We can sit down with
18	staff and opposing counsel, and, I mean, we can do
19	that tomorrow or the next day, I would expect, get
20	on a conference call.
21	CHAIRMAN SAHR: I don't think it
22	would be a big deal to have an ad hoc meeting
23	sometime in the next week or so and get that
24	flushed out.
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1	34 STATE OF SOUTH DAKOTA)
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1 2	STATE OF SOUTH DAKOTA) :SS CERTIFICATE
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