

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE PETITION OF JAMES)	FINAL DECISION AND
VALLEY COOPERATIVE TELEPHONE)	ORDER APPROVING AND
COMPANY FOR SUSPENSION OR)	INCORPORATING
MODIFICATION OF 47 U.S.A. § 251(B)(2) OF)	STIPULATION
THE COMMUNICATIONS ACT OF 1934 AS)	
AMENDED)	TC04-077

On April 14, 2004, James Valley Cooperative Telephone Company (James Valley) filed a petition (Petition) pursuant to SDCL 49-31-80 and 47 U.S.C. § 251(f)(2) seeking suspension or modification of its requirement to implement local number portability (LNP) pursuant to 47 U.S.C. § 251(f)(2). On April 15, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of April 30, 2004, to interested individuals and entities. WWC License LLC d/b/a CellularOne (Western Wireless) filed to intervene on April 27, 2004, and the South Dakota Telecommunications Association (SDTA) filed to intervene on April 28, 2004. Midcontinent Communications (Midcontinent) filed a petition for late intervention on May 6, 2004. On May 13, 2004, the Commission issued (i) an order granting James Valley's request for interim suspension of LNP obligations pending final decision pursuant to 47 U.S.C. § 251(f)(2) and SDCL 49-31-80 and granting intervention to Western Wireless, SDTA and Midcontinent, (ii) a notice of intent to take judicial notice of the fact that James Valley is a local exchange carrier serving less than two percent of the nation's subscriber lines installed in the aggregate nationwide and (iii) an order for and notice of hearing setting the multiple LNP cases for hearing on June 21 through July 2, 2004, and the company-specific hearing on James Valley for June 23, 2004. On June 22, 2004, during the course of the LNP hearing, James Valley advised the Commission that it had reached a settlement in principle with intervenors in this docket and requested a continuance of the hearing in Docket No. TC04-077 pending the filing of a written stipulation resolving the matter (separate Transcript for TC04-077, p. 5 et seq.). The Commission granted James Valley's request for continuance (Transcript for TC04-077, p. 14).

On August 2, 2004, Midcontinent filed a Stipulation signed by James Valley and intervenors, Western Wireless and Midcontinent (Stipulation). The matter was accordingly scheduled for stipulated disposition pursuant to SDCL 1-26-20 at the Commission's regular meeting on August 17, 2004. At the Commission's regular meeting on August 17, 2004, intervenor SDTA stated on the record that it had no objection to the Stipulation or to the Commission's disposition of the case pursuant to the Stipulation. Staff did not object to the Stipulation or the issuance of a dispositive order based thereon. The Commission thereupon voted unanimously to approve the Stipulation and enter a final decision in the docket incorporating its terms and closing the docket.

The Commission finds and concludes that it has jurisdiction to enter this order pursuant to SDCL 49-31-80, ARSD 20:10:32:39 and 47 U.S.C. § 251(f)(2) and SDCL 1-26-20. It is therefore

ORDERED, that the Stipulation attached hereto is approved in its entirety and is incorporated in this Order as if fully set forth herein; and it is further

ORDERED, that James Valley's obligation to provide local number portability to requesting carriers pursuant to 47 U.S.C. § 251(b)(2) and 49-31-81 is modified consistent with the terms and conditions of the Stipulation and this Order; and it is further

ORDERED, that this Order shall constitute the final decision in this matter and upon the effective date hereof, Docket No. TC04-077 shall be closed.

PLEASE TAKE NOTICE that this Final Decision and Order was duly entered on the 26th day of August, 2004. Pursuant to SDCL 1-26-32, this Final Decision and Order will take effect 10 days after the date of receipt or failure to accept delivery of the decision by the parties. Pursuant to ARSD 20:10:01:30.01, an application for a rehearing or reconsideration may be made by filing a written petition therefor and ten copies with the Commission within 30 days from the date of issuance of this Final Decision and Order. Pursuant to SDCL 1-26-31, the parties have the right to appeal this Final Decision and Order to the appropriate Circuit Court by serving notice of appeal of this decision to the circuit court within thirty (30) days after the date of service of this Notice of Decision.

Dated at Pierre, South Dakota, this 26th day of August, 2004.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.</p> <p>By: _____</p> <p>Date: _____</p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

ROBERT K. SAHR, Chairman

GARY HANSON, Commissioner

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE PETITION OF)	STIPULATION
JAMES VALLEY COOPERATIVE TELEPHONE)	
COMPANY FOR SUSPENSION)	
OF INTERMODAL LOCAL NUMBER)	
PORTABILITY OBLIGATIONS)	Docket No. TC04-077

This stipulation is made and entered into by and between the following parties through their attorneys of record:

Petitioner: James Valley Cooperative Telephone Company (hereinafter "JVT")
James M. Cremer
Bantz, Gosch & Cremer, L.L.C.

Intervenors: WWC License LLC (hereinafter "WW")
Talbot J. Wieczorek
Gunderson, Palmer, Goodsell & Nelson, LLP

Midcontinent Communications (hereinafter "Midco")
David A. Gerdes
May, Adam, Gerdes & Thompson LLP

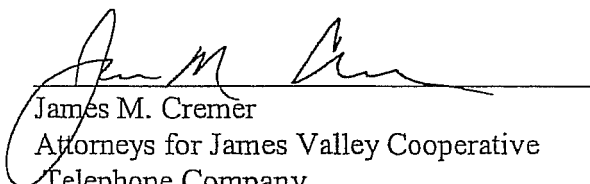
The above named parties orally presented the following stipulation to the Commission on June 22, 2004, and hereby request that the Commission adopt the stipulation for the purposes set forth herein. Wherefore, the parties hereby stipulate and agree as follows:

1. LNP Compliance. JVT shall be LNP capable by October 1, 2004, for all JVT customers with respect to WW and Midco pursuant to the terms of this stipulation.
2. WW. WW shall establish a direct connect with JVT to facilitate wireline to wireless long term number portability. The terms are as follows:
 - a. DS1. WW shall order a DS1 to JVT's point of interconnect in Groton, South Dakota, via Qwest and facilities owned by JVT's wholly owned subsidiary, Northern Valley Communications, (hereinafter "NVC") in Aberdeen, South Dakota. The DS1 shall be split into 24 separate trunks. The trunks shall be allocated by JVT to each of JVT's local calling areas to meet traffic demand. Additional facilities may be ordered on the same terms if additional capacity is needed.

- b. Monthly Cost. WW shall pay to NVC commencing October 1, 2004, and on the first day of each month thereafter for the term hereof the sum of \$650.00 for termination, transport and trunking.
 - c. Subsequent port. In the event a number ported from JVT to WW is subsequently ported from WW to another carrier, to the extent JVT has no direct connection with the subsequent carrier, WW shall assume all responsibility for routing and performing the database query of the call.
 - d. Use of DS1. JVT shall use the DS1 only for originating traffic from JVT landline customers to numbers that have previously been ported from one of JVT's rate centers and WW shall use the DS1 to terminate any WW traffic to JVT's customers under the terms and conditions of the existing reciprocal compensation agreement
 - e. Term. The term of this agreement is three years commencing on October 1, 2004 and running through and including September 30, 2007.
3. Midco. Wireline to wireline long term number portability in accordance with the rules and regulations prescribed by the FCC and the Commission shall be available to Midco pursuant to interconnection agreements agreed to by JVT and Midco and approved by the Commission.
4. Numbering resources. Porting carriers may only port active numbers from JVT and will return disconnected numbers within a reasonable time.
5. Non-intervenors. JVT shall offer the same terms and conditions as contained in Paragraph 2 hereof to any other wireless carrier offering a bona fide request for LNP and JVT shall offer the same terms and conditions as contained in Paragraph 3 to any other wireline carrier offering a bona fide request for LNP. If such other wireless or wireline carrier rejects such terms, JVT or the rejecting wireless or wireline carrier shall have the right to petition the Commission for modification of the order entered pursuant to this stipulation to obtain relief from the terms of Paragraph 2 or 3.

BANTZ, GOSCH & CREMER, L.L.C.

Dated: 7-21-04


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MAY, ADAM, GERDES & THOMPSON LLP

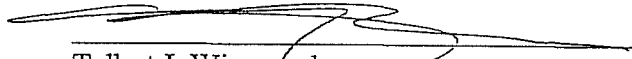
Dated: 7/30/04



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605-224-8803

GUNDERSON, PALMER, GOODSSELL &
NELSON, LLP

Dated: 7/26/04



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