BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE PETITION OF SPRINT COMMUNICATIONS COMPANY L.P. FOR ARBITRATION PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996 TO RESOLVE ISSUES RELATING TO AN INTERCONNECTION AGREEMENT WITH BROOKINGS MUNICIPAL UTILITIES D/B/A SWIFTEL COMMUNICATIONS	)	**ORDER GRANTING SECOND JOINT MOTION FOR DELAY OF HEARING** **TC06-176**

On October 16, 2006, Sprint Communications Company L.P. (Sprint) filed a petition to arbitrate, pursuant to SDCL 49-31-81 and ARSD 20:10:32:29-32, and Section 252(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996), certain terms and conditions of a proposed Interconnection Agreement between Sprint and Brookings Municipal Utilities d/b/a Swiftel Communications (Swiftel). Sprint filed a list of unresolved issues consisting of: (1) Should the definition of End User in this Agreement include end users of a service provider for which Sprint provides interconnection, telecommunications services or other telephone exchange services? (2) Does the Telecommunications Act authorize the Commission to arbitrate terms and conditions for interconnection obtained under Section 251(a) of the Telecommunications Act? If yes, what terms and conditions should the Commission impose on the parties in this proceeding? (3) Should the Interconnection Agreement permit the parties to combine wireless and wireline traffic on interconnection trunks? (4) Should the Interconnection Agreement permit the parties to combine all traffic subject to reciprocal compensation charges and traffic subject to access charges onto the interconnection trunks? (5) What is the appropriate reciprocal compensation rate for the termination of telecommunications traffic? (6) Should Sprint's proposed language regarding Local Number Portability be adopted and incorporated into the Interconnection Agreement? (7) Should the ILEC-proposed Directory Listing provisions, as modified by Sprint, be adopted and incorporated into the Interconnection Agreement? (8) Termination: A) Should the termination provision of the Interconnection Agreement permit the existing Interconnection Agreement to remain in effect while the parties are in the process of negotiating and/or arbitrating a replacement Interconnection Agreement? B) Should the Interconnection Agreement contain provisions that allow the parties to terminate the Agreement for: 1) a material breach; 2) if either party's authority to provide service is revoked or terminated; or, 3) if either party becomes insolvent or files for bankruptcy? (9) What 911 liability terms should be included in the Interconnection Agreement? (10) What Force Majeure terms should be included in the Interconnection Agreement? Sprint respectfully requests the Commission to arbitrate each of the remaining disputes between Sprint and Swiftel, to find in Sprint's favor and to adopt Sprint's proposed contract language. In accordance with ARSD 20:10:32:30, a non-petitioning party may respond to the petition for arbitration and provide additional information within 25 days after the Commission receives the petition.

On October 19, 2006, the Commission electronically transmitted notice of the filing and the intervention deadline of November 10, 2006, to interested individuals and entities. On October 30, 2006, the Commission received a Joint Motion of Interstate Telecommunications Cooperative, Inc. and Brookings Municipal Utilities d/b/a Swiftel Communications for Deferral of Hearing on Sprint Communications Company's Request for Consolidation. On November 3, 2006, the Commission received a Petition to Intervene from South Dakota Telecommunications Association (SDTA). On November 13, 2006, the Commission received Sprint's Opposition to SDTA's Petition to Intervene, Response of Interstate Telecommunications Cooperative, Inc. to the Petition for Arbitration and

Request for Consolidation of Sprint Communications Company L.P., and Response of Brookings Municipal Utilities d/b/a Swiftel Communications and Motion to Dismiss and Opposition to Motion to Consolidate. At its November 14, 2006, meeting, the Commission deferred SDTA's request for intervention and the request to consolidate Dockets TC06-175 and TC06-176.

At its November 28, 2006, meeting, the Commission considered the setting of a procedural schedule. An Order Setting Procedural Schedule was issued December 1, 2006, which included hearing dates.

At its December 6, 2006, meeting, the Commission voted to deny intervention to SDTA (Commissioner Kolbeck dissented).

On January 9, 2007, Sprint filed a Motion to Compel requesting the Commission to issue an order compelling Swiftel to produce responses to Sprint's first set of discovery requests. On January 9, 2007, Swiftel filed a Motion to Compel Reponses and Production of Documents Addressed to Sprint Communications, L.P. On January 12, 2007, Sprint filed a Response to Swiftel's Motion to Compel. On January 12, 2007, Swiftel filed a Response to Motion to Compel. At its January 16, 2007, meeting, the Commission considered the Motions to Compel. On January 18, 2007, the Commission issued its decision on the Motions to Compel. On January 26, 2007, the Commission received a Petition for Reconsideration and Clarification from SDTA. On February 9, 2007, the Commission received a Response to SDTA's Petition for Reconsideration and Clarification from Sprint.

On February 12, 2007, the Commission issued an Order for and Notice of Hearing setting this matter for hearing on March 1 and 2, 2007. On February 21, 2007, the Commission issued an order clarifying SDTA's participation in this docket. On February 22, 2007, the Commission received a Joint Motion of Interstate Telecommunications Cooperative, Inc., Brookings Municipal Utilities d/b/a Swiftel Communications and Sprint Communications, L.P. for Delay of Hearings on Sprint Communications Company's Petitions for Arbitration. The parties agreed that the hearing should be postponed. The hearing was continued.

On March 30, 2007, the Commission issued a Second Order for and Notice of Hearing; Amended Procedural Schedule setting this matter for hearing on April 24 and 25, 2007. On April 13, 2007, the Commission issued an Amended Second Order for and Notice of Hearing; Amended Procedural Schedule with the hearing still set for April 24 and 25, 2007. On April 17, 2007, the Commission received a Joint Motion of Brookings Municipal Utilities d/b/a Swiftel Communications and Sprint Communications L.P. for Delay of Hearing on Sprint's Petition for Arbitration. The parties agreed that the hearing should be postponed. The hearing was continued. On July 3, 2007, the Commission received a Second Joint Motion of Brookings Municipal Utilities d/b/a Swiftel Communications and Sprint Communications, L.P. for Delay of Hearing on Sprint's Petition for Arbitration.

At its July 11, 2007, meeting, the Commission considered the Second Joint Motion for Delay of Hearing. Commission Staff recommended approval. The Commission unanimously voted to grant the Second Joint Motion for Delay of Hearing.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, including 49-31-3 and 49-31- 81, and 47 U.S.C. sections 251 and 252. The Commission may rely upon any or all of these or other laws of this state in making its determination. It is therefore

ORDERED, that the Second Joint Motion for Delay of Hearing is hereby granted.

Dated at Pierre, South Dakota, this 26th day of July, 2007.

CERTIFICATE OF SERVICE

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, electronically.

By: Delaine Kolbo

Date: 7/26/07

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson

DUSTIN M. JOHNSON, Chairman

Gary Hanson

GARY HANSON, Commissioner

Steve Kolbeck

STEVE KOLBECK, Commissioner