BEFORE 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	)	**AMENDED PROCEDURAL SCHEDULE; NOTICE AND ORDER FOR HEARING** **TC07-007**

On January 30, 2007, Brookings Municipal Utilities d/b/a Swiftel Communications (Swiftel) filed with the Public Utilities Commission (Commission) a Petition for Suspension or Modification of Local Dialing Parity, Number Portability and Reciprocal Compensation Obligations. In its Petition, Swiftel states that it requests the Commission grant a suspension or modification of 47 U.S.C. Sections 251(b)(2), (3) and (5) of the Communications Act of 1934, as amended. "Swiftel requests modification of the local number portability requirement such that it is not required to implement wireline local number portability until 4 months after a competitive LEC is certificated to provide service in Swiftel's service territory. Swiftel also requests modification of the local number portability requirement such that Swiftel is not required to transport numbers beyond its service territory. Swiftel requests modification of the dialing parity requirement such that Swiftel is not required to provide local dialing and it is not required to transport traffic outside of its service territory. Swiftel also requests modification of the toll dialing parity requirement such that Swiftel is not required to perform the equal access function at the end office or establish access traffic transport facilities other than the common trunks to South Dakota Network (SDN). Swiftel also asks the Commission to modify any requirement that Swiftel would not be able to collect access charges for toll traffic. Swiftel requests a modification of the reciprocal compensation requirements such that it is not required to pay reciprocal compensation on traffic terminating to a wireless carrier within the MTA that is handed off to an IXC in accordance with Swiftel's wireline local calling areas. Swiftel also requests immediate temporary suspension of the 251(b)(2), (3) and (5) requirements as described [in its Petition] pending this Commission's consideration of this request."

On February 1, 2007, the Commission electronically transmitted notice of the filing and the intervention deadline of February 16, 2007, to interested individuals and entities. On February 12, 2007, the Commission received Petitions to Intervene from Alltel Communications, Inc. (Alltel) and Sprint Communications Company L.P. (Sprint). On February 14, 2007, the Commission received a Petition to Intervene from Midcontinent Communications (Midcontinent). On February 15, 2007, the Commission received a Petition to Intervene from South Dakota Network, LLC (SDN). On February 16, 2007, the Commission received Petitions to Intervene from MCC Telephony of the Midwest, Inc. d/b/a Mediacom (MCC) and South Dakota Telecommunications Association (SDTA). On March 5, 2007, the Commission received an Opposition of Brookings Municipal Utilities d/b/a Swiftel Communications to Petition to Intervene filed by Midcontinent Communications. On March 9, 2007, the Commission received Midcontinent's Reply to Swiftel's Opposition to Midcontinent's Intervention Petition. On March 13, 2007, the Commission received a Withdrawal of Opposition of Brookings Municipal Utilities d/b/a Swiftel Communications to Petition to Intervene filed by Midcontinent Communications. At its March 13, 2007 meeting, the Commission granted all of the Petitions to Intervene. On April 2, 2007, the Commission issued a protective order.

The parties have agreed to the following procedural schedule:

April 17, 2007	General responses to Petition filed by all parties to Petition;
May 23, 2007	Swiftel files direct testimony

June 1, 2007	Intervenors serve discovery on Swiftel's direct testimony
June 6, 2007	Intervenors file initial testimony
June15, 2007	Swiftel serves discovery on Intervenors' testimony; Intervenors serve discovery on each other
June 18, 2007	Swiftel responds to discovery
June 25, 2007	Intervenors respond to discovery served by Swiftel and served by other Intervenors
July 3, 2007	Motions to Compel filed (if necessary)
July 9, 2007	Responses to Motions to Compel filed (if necessary)
July ~~10~~ 11, 2007	Hearing on Motions to Compel (if necessary) (immediately following the Commission meeting that begins at 1:30, in LCR Room 1, Third Floor, State Capitol Building, Pierre
July 18, 2007	Parties provide information if required by Commission
July 30, 2007	Intervenors file supplemental testimony as deemed necessary based on discovery since Intervenors' initial filings of June 6 and Intervenors provide rebuttal to previously filed testimony of other Intervenors
August 17, 2007	Swiftel files rebuttal testimony to Intervenors' filings
August 22-24, 2007	Hearing dates
September 14, 2007	Simultaneous initial briefs
September 28, 2007	Simultaneous reply briefs
October 15, 2007	Commission decision

A hearing will be held on this matter on August 22-24, 2007, in Room 412 of the State Capitol Building, 500 East Capitol, Pierre, South Dakota. The hearing will begin at 9:00 A.M. August 22, 2007.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, including 49-31-3, 49-31-79 through 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. The issues to be determined by the Commission concern whether to grant a suspension or modification of 47 U.S.C. Sections 251(b)(2), (3), and (5) as set forth in Swiftel's Petition, including the following: (1) Whether to grant Swiftel's request for modification of the local number portability requirement such that Swiftel is not required to implement wireline local number portability until four months after a competitive LEC is certificated to provide service in Swiftel's service territory; (2) Whether to grant Swiftel's request for modification of the local number portability requirement such that Swiftel is not required to transport numbers beyond its service territory; (3) Whether to grant Swiftel's request for modification of the dialing parity requirement such that Swiftel is not required to provide local dialing and is not required to transport traffic outside of its service territory; (4) Whether

to grant Swiftel's request for modification of the toll dialing parity requirement such that Swiftel is not required to perform the equal access function at the end office or establish access traffic transport facilities other than the common trunks to South Dakota Network (SDN); (5) Whether to grant Swiftel's request to modify any requirement that Swiftel would not be able to collect access charges for toll traffic; and (6) Whether to grant Swiftel's request for a modification of the reciprocal compensation requirements such that Swiftel is not required to pay reciprocal compensation on traffic terminating to a wireless carrier within the MTA that is handed off to an IXC in accordance with Swiftel's wireline local calling areas.

The hearing will be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All persons testifying will be subject to cross-examination by the parties. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights may be forfeited if not exercised at the hearing. If a party or its representative fails to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission will resolve issues listed above and order any appropriate relief. The Commission's Final Decision may be appealed by the parties as provided by law. It is therefore

ORDERED, that the parties shall follow the procedural schedule; and it is

FURTHER ORDERED, that a hearing shall be held at the time and place specified above on the issues set forth above.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 19th day of June, 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: 6/20/07

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

DUSTIN M. JOHNSON, Chairman

GARY HANSON, Commissioner

STEVE KOLBECK, Commissioner