

**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 47)
U.S.C. SECTION 251(b)(2) OF THE)
COMMUNICATIONS ACT OF 1934 AS)
AMENDED)**

**ORDER APPROVING
STIPULATION**

TC08-017

On February 8, 2008, Brookings Municipal Utilities d/b/a Swiftel Communications (Swiftel) filed a petition with the Public Utilities Commission (Commission) for a suspension and modification of the number portability requirement in Section 251(b)(2) of the Communications Act of 1934, as amended. Swiftel's requested modification of intermodal LNP and LNP to VoIP providers concerns the transport of ported calls. Swiftel's requested suspension is for the purpose of negotiating transport arrangements with wireless carriers and VoIP providers, as necessary. Swiftel also requested an immediate suspension of Section 251(b)(2) pending this Commission's consideration of the modification request until 90 days following the Commission's decision. Swiftel respectively requested that the Commission: (A) Issue an interim order that suspends any obligation for Swiftel to provide intermodal or VoIP LNP; (B) Issue a final order that grants a modification of Swiftel's obligation to provide intermodal and VoIP LNP as requested herein and a suspension of Swiftel's obligation to implement intermodal and VoIP LNP until the transport issue is resolved; and (C) Grant Swiftel such other and further relief that may be proper.

On February 14, 2008, the Commission electronically transmitted notice of the filing and the intervention deadline of February 29, 2008, to interested individuals and entities. On February 29, 2008, the Commission received Petitions to Intervene from the following companies:

Midcontinent Communications (Midcontinent);
Alltel Communications, LLC (Alltel);
Verizon Wireless (VAW) LLC, CommNet Cellular License Holding LLC, Missouri Valley Cellular, Inc., Sanborn Cellular, Inc., and Eastern South Dakota Cellular, Inc. d/b/a Verizon Wireless (Collectively Verizon Wireless); and
South Dakota Telecommunications Association (SDTA)
MCC Telephony of the Midwest, Inc. d/b/a Mediacom (Mediacom)
Sprint Communications Company L.P. (Sprint)

On March 20, 2008, The Commission received Oppositions of Brookings Municipal Utilities d/b/a Swiftel Communications to Petitions to Intervene filed by Midcontinent Communications, MCC Telephony of the Midwest, Inc. d/b/a Mediacom and Sprint Communications Company L.P. On March 24, 2008, the Commission received Sprint's Response to Swiftel's Opposition to Sprint's Intervention. At a regularly scheduled meeting of March 25, 2008, the Commission granted intervention to Midcontinent, Alltel, Verizon Wireless and SDTA. On April 23, 2008, the Commission received a Stipulation for Procedural Schedule signed by the parties.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, 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.

At a regularly scheduled meeting of April 22, 2008, the Commission considered the Stipulation for Procedural Schedule. The Commission voted unanimously to approve the Stipulation for Procedural Schedule. It is therefore

ORDERED, that the Stipulation for Procedural Schedule is hereby approved.

Dated at Pierre, South Dakota, this 5th day of May, 2008.

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: <u>Delaine Kolbo</u>
Date: <u>5/6/08</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson

GARY HANSON, Chairman

Steve Kolbeck

STEVE KOLBECK, Commissioner

Dustin M. Johnson

DUSTIN M. JOHNSON, Commissioner