

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

**IN THE MATTER OF THE PETITION OF WEST )  
RIVER COOPERATIVE TELEPHONE )  
COMPANY FOR SUSPENSION OR )  
MODIFICATION OF 47 U.S.C. SECTION )  
251(b)(2) OF THE COMMUNICATIONS ACT OF )  
1934 AS AMENDED )**

**ORDER APPROVING  
STIPULATION**

**TC08-025**

On February 8, 2008, West River Cooperative Telephone Company (West River) 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. West River's requested modification of intermodal LNP and LNP to VoIP providers concerns the transport of ported calls. West River's requested suspension is for the purpose of negotiating transport arrangements with wireless carriers and VoIP providers, as necessary. West River 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. West River respectively requested that the Commission: (A) Issue an interim order that suspends any obligation for West River to provide intermodal or VoIP LNP; (B) Issue a final order that grants a modification of West River's obligation to provide intermodal and VoIP LNP as requested herein and a suspension of West River's obligation to implement intermodal and VoIP LNP until the transport issue is resolved; and (C) Grant West River 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)

On March 24, 2008, the Commission received an Opposition of West River Cooperative Telephone Company to Petition to Intervene filed by Midcontinent Communications. 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 5<sup>th</sup> 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: *Arlaine Kalbo*

Date: *5/6/08*

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*Gary Hanson*  
GARY HANSON, Chairman

*Steve Kolbeck*  
STEVE KOLBECK, Commissioner

*Dustin M Johnson*  
DUSTIN M JOHNSON, Commissioner