

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER GRANTING MOTION</b>
<b>BY ORBITCOM, INC. AGAINST VERIZON )</b>	<b>TO COMPEL IN PART;</b>
<b>BUSINESS NETWORK SERVICES, INC. )</b>	<b>ORDER APPROVING</b>
<b>REGARDING UNPAID ACCESS CHARGES )</b>	<b>RESETTING HEARING</b>
<b>)</b>	<b>DATES AND ORDER</b>
<b>)</b>	<b>GRANTING FILING OF</b>
<b>)</b>	<b>SUPPLEMENTAL</b>
<b>)</b>	<b>TESTIMONY</b>
<b>)</b>	<b>TC08-135</b>

On November 25, 2008, the Public Utilities Commission (Commission) received a Complaint from OrbitCom, Inc. (OrbitCom) against Verizon Business Network Services, Inc. (Verizon). OrbitCom seeks recovery on an account because of the failure of Verizon to pay OrbitCom the amounts invoiced pursuant to its state tariff for the provisioning of telephone access services.

On December 22, 2008, the Commission received an Answer to Complaint from Verizon. On June 1, 2009, the Commission received a Stipulation for Scheduling Order signed by the parties. At its regularly scheduled meeting of June 9, 2009, the Commission voted unanimously to approve the Stipulation for Scheduling Order. On June 17, 2009, the Commission received an Amended Complaint from OrbitCom. On June 25, 2009, the Commission received a Stipulation to File and Serve Amended Complaint from OrbitCom. On July 7, 2009, the Commission received an Answer to Amended Complaint and Counterclaim from Verizon. On July 27, 2009, the Commission received a Reply to Amended Counterclaim from OrbitCom. On August 20, 2009, the Commission received a Motion to Compel and Motion to Reset Hearing Date from Verizon. On August 21, 2009, the Commission received a Corrected Motion to Compel and Motion to Reset Hearing Date from Verizon. On August 24, 2009, the Commission received a Response to Verizon's Motion to Compel, Delay of Hearing and Supplement Prefiled Testimony and Affidavit of Meredith Moore from OrbitCom.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-13 and 49-31. The Commission may rely upon any or all of these or other laws of this state in making its determination.

At its regularly scheduled meeting of August 25, 2009, the Commission considered this matter. The Commission voted unanimously to grant the Motion to Compel in part to the extent that it relates to the provision of ANI information, with five days worth of data, giving Verizon information on the full 10 digit telephone number and that the data must be transmitted in Excel or some other format that is easily manipulated. The Commission voted to approve the resetting of the hearing dates (Commission Kolbeck dissenting). The Commission voted unanimously to grant Verizon's request to submit supplemental testimony, with OrbitCom being given the opportunity to respond if that becomes necessary. It is therefore

ORDERED, that the Motion to Compel is granted in part to the extent that it relates to the provision of ANI information, with five days worth of data, giving Verizon information on the full 10 digit telephone number, and that the data must be transmitted in Excel or some other format that is easily manipulated; and it is further

ORDERED, that the resetting of the hearing dates is hereby approved; and it is further

ORDERED, that Verizon's request to submit supplemental testimony is hereby granted with OrbitCom being given the opportunity to respond if that becomes necessary.

Dated at Pierre, South Dakota, this 15<sup>th</sup> day of September, 2009.

<b>CERTIFICATE OF SERVICE</b>
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><i>Delaine Kolbo</i></u>
Date: <u>9/16/09</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*Dustin M. Johnson*  
DUSTIN M. JOHNSON, Chairman

*Steve Kolbeck*  
STEVE KOLBECK, Commissioner  
Dissenting in part

*Gary Hanson*  
GARY HANSON, Commissioner