

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

<b>IN THE MATTER OF THE COMPLAINT FILED</b>	)	
<b>BY KENNEBEC TELEPHONE COMPANY, INC.,</b>	)	<b>PROCEDURAL SCHEDULE;</b>
<b>AGAINST ALLTEL COMMUNICATIONS, INC.</b>	)	<b>ORDER FOR AND NOTICE</b>
<b>REGARDING NONPAYMENT OF TRANSITING</b>	)	<b>OF HEARING</b>
<b>CHARGES</b>	)	
	)	<b>TC08-031</b>

On February 20, 2008, Kennebec Telephone Company, Inc. (Kennebec) filed a complaint against Alltel Communications, Inc. (Alltel) for failing to pay charges associated with transiting services. On May 13, 2009, Kennebec filed a Motion for Summary Judgment and Brief, and a Complainant's Statement of Undisputed Material Facts. On June 1, 2009, Alltel filed a Brief in Opposition to Kennebec's Motion for Summary Judgment and Objection to Claimant's Statement of Alleged Undisputed Material Facts in Support of Motion for Summary Judgment. On June 22, 2009, Kennebec filed a Complainant's Reply Brief in Support of Motion for Summary Judgment. At its June 23, 2009, meeting, the Commission denied Kennebec's Motion for Summary Judgment.

On January 6, 2010, Staff filed a request to schedule an evidentiary hearing and issue a Scheduling Order or to order the parties to engage in scheduling discussions with Commission Counsel to ultimately set a hearing date. On January 15, 2010, the Commission received Alltel Communications, Inc.'s Motion for Summary Judgment for Lack of Subject Matter Jurisdiction. On February 1, 2010, the Commission received Kennebec's Opposition to Alltel's Motion for Summary Judgment and Response to Alltel's Statement of Material Facts and on February 5, 2010, Alltel replied. On February 9, 2010, the Commission considered the Motion for Summary Judgment for Lack of Subject Matter Jurisdiction. The Commission voted unanimously to deny the Motion for Summary Judgment, finding that it has the jurisdiction to hear this matter.

On May 5, 2010, a prehearing conference call was held and the parties agreed that they would file the exhibits they intend to use for direct examination on or before May 20, 2010.

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.

A hearing will be held on this matter beginning at 9:00 A.M. on May 25, 2010, with marking of exhibits to begin at 8:30 A.M., and continuing at 9:00 A.M. on May 26, 2010, in Room 414, State Capitol, 500 East Capitol, Pierre, South Dakota.

The issues to be determined by the Commission are 1) whether Alltel owes Kennebec for transiting services; and 2) if Alltel owes Kennebec for transiting services, how much is owed.

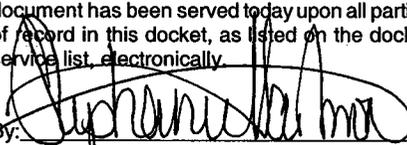
The hearing will be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All persons testifying will be subject to cross-examination by the parties. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights may be forfeited if 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 the issues regarding whether Alltel owes Kennebec for transiting services and, if so, determine the amount owed and order any appropriate relief. The Commission's Final Decision may be appealed by the parties as provided by law. It is therefore

ORDERED, the parties shall file exhibits as set forth above; and it is

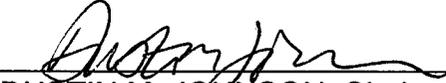
FURTHER ORDERED, that a hearing shall be held at the time and place specified above.

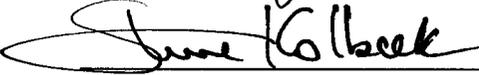
Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 10<sup>th</sup> day of May, 2010.

<p style="text-align: center;"><b>CERTIFICATE OF SERVICE</b></p> <p>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.</p> <p>By: </p> <p>Date: <u>05/10/10</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

  
DUSTIN M. JOHNSON, Chairman

  
STEVE KOLBECK, Commissioner

  
GARY HANSON, Commissioner