

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

**IN THE MATTER OF THE PETITION OF)
BERESFORD MUNICIPAL TELEPHONE)
COMPANY FOR ARBITRATION PURSUANT TO)
THE TELECOMMUNICATIONS ACT OF 1996 TO)
RESOLVE ISSUES RELATING TO AN)
INTERCONNECTION AGREEMENT WITH)
ALLTEL COMMUNICATIONS, INC.)**

**ORDER DISMISSING AND
CLOSING THE DOCKET**

TC07-113

On October 19, 2007, Beresford Municipal Telephone Company (Beresford) filed with the Public Utilities Commission (Commission) a petition for arbitration of certain unresolved terms and conditions of a proposed Interconnection Agreement between Beresford and Alltel Communications, Inc. (Alltel), pursuant to section 252 of the Telecommunications Act of 1996 (Act), SDCL 49-31-81, and ARSD 20:10:32:29. Beresford filed a list of unresolved issues consisting of:

- (1) Is the reciprocal compensation rate for IntraMTA Traffic proposed by Beresford appropriate pursuant to 47 U.S.C. section 252(d)(2)?
- (2) What is the appropriate Percent InterMTA Use factor to be applied to non-IntraMTA traffic exchanged between the parties?
- (3) What is the appropriate manner by which the minutes of use of IntraMTA Traffic terminated by the parties, one to the other, should be calculated and billed?
- (4) What is the obligation of the parties with respect to dialing parity?
- (5) What is the appropriate effective date and term of the Agreement?

In accordance with ARSD 20:10:32:30, a non-petitioning party may respond to the petition for arbitration and provide additional information within 25 days after the Commission receives the petition. On November 13, 2007, the Commission received a Response of Alltel Communications, Inc. to Petition for Arbitration of Beresford Municipal Telephone Company. Alltel included two additional issues for resolution:

- (6) What is the appropriate definition of intraMTA and interMTA traffic?
- (7) Which party can initiate a direct interconnection request?

A hearing on this matter was held July 29, 2008 through July 31, 2008. Briefs were subsequently filed by the parties. On November 14, 2008, the Commission received a Stipulation to Supplement Record of Consolidated Arbitration Hearing signed by the parties. At its regularly scheduled meeting of November 25, 2008, the Commission unanimously voted to approve the Stipulation to Supplement Record of Consolidated Arbitration Hearing. At its January 27, 2009, meeting, the Commission decided the unresolved issues as presented by the parties. On February 27, 2009, the Commission issued its Findings of Fact; Conclusions of Law; Notice of Entry of Order. In its order, the Commission decided all of the issues except for the first issue regarding the reciprocal compensation rate for intraMTA traffic. The Commission required Beresford to revise and refile its cost study reflecting the following: (1) the elimination of the costs associated with the Web-Self Care system, including the Web Self-Care License and Web Self-Care system-non-NEVS, the CALEA license, and the Centrex license; (2) the use of a rate equivalency method basis of cost assignment for transport costs; and (3) a new forecasted demand.

On March 30, 2009, the Commission received a Petition for Reconsideration from Alltel. On April 14, 2009, the Commission received Petitioner's Opposition to Alltel's Petition for Reconsideration. At its May 19, 2009, meeting, the Commission voted unanimously to deny the Petition for Reconsideration. Pursuant to ARSD 20:10:01:29, the Commission found Alltel failed to provide sufficient reasons for granting reconsideration.

On July 2, 2012, Beresford filed a request to close the docket. Beresford stated that prior to the finalization of interconnection agreements between the parties Alltel was acquired by MCI Communications Services, Inc. dba Verizon. New Cingular Wireless PCS, LLC d/b/a AT&T Mobility thereafter acquired certain of Alltel's assets in South Dakota and took over negotiations of the interconnection agreement not yet finalized between Alltel and Beresford. Since that time, Beresford has continued to work with AT&T on the finalization of issues related to the interconnection agreement and has implemented interim working arrangements pending finalization. Alltel has not been a party to these discussions and will not be a party to the interconnection agreement. As such, Beresford believes the docket is moot and may be closed at this time.

At its regularly scheduled meeting of July 3, 2012, the Commission voted unanimously to dismiss and close the docket. The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, including 49-31- 3 and 49-31-81, and 47 U.S.C. sections 251 and 252. It is therefore

ORDERED, that the docket shall be dismissed and closed.

Dated at Pierre, South Dakota, this 10th day of July, 2012.

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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u><i>Joy Young</i></u>
Date: <u>7-10-12</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

KRISTIE FIEGEN, Commissioner
Gary Hanson
GARY HANSON, Commissioner