



Dustin Johnson, Chair
Gary Hanson, Vice Chair
Steve Kolbeck, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.puc.sd.gov

Capitol Office
(605) 773-3201
1-866-757-6031 fax

Warehouse
(605) 773-5280
(605) 773-3225 fax

Consumer Hotline
1-800-332-1782

September 21, 2007

Office of Hearing Examiners
PMB 01261
210 East Fourth Street
Pierre, SD 57501

RE: PUC7-01 Venture Communications

Dear Ms. Brady:

The parties in the above-listed docket filed a Joint Motion for Transfer and to Set Hearing Date with the Public Utilities Commission (Commission). In the Joint Motion, the parties requested that this docket be transferred back to the Commission. At its September 19, 2007, meeting, the Commission granted the Joint Motion. The written order granting the Motion for Transfer is enclosed.

The Commission would appreciate it if your office could transmit your file to the Commission. We would like to ensure that any filings made in your office are included in our docket.

Thank you for all of your work and assistance with this docket. If you have any questions, please feel free to call me.

Sincerely,

ROLAYNE AILTS WIEST
Commission Attorney

Enc.

cc: Ms. Darla Pollman Rogers
Ms. Margo D. Northrup
Mr. Ben H. Dickens, Jr.
Ms. Mary J. Sisak
Mr. Talbot Wiczorek
Mr. Stephen B. Rowell
Mr. Sean R. Simpson
Mr. Richard D. Coit

Enc.

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

IN THE MATTER OF THE PETITION OF)	ORDER GRANTING JOINT
VENTURE COMMUNICATIONS COOPERATIVE)	MOTION FOR TRANSFER;
FOR SUSPENSION OR MODIFICATION OF)	ORDER GRANTING MOTION
LOCAL DIALING PARITY AND RECIPROCAL)	TO STRIKE AND MOTION IN
COMPENSATION OBLIGATIONS)	LIMINE; ORDER FOR AND
)	NOTICE OF HEARING
)	TC06-181

On October 24, 2006, the Public Utilities Commission (Commission) received an Application from Venture Communications Cooperative (Venture) for suspension or modification of local dialing parity and reciprocal compensation obligations.

South Dakota Telecommunications Association (SDTA) filed to intervene on November 6, 2006. Rural Cellular Corporation (RCC) and Alltel Communications, Inc. (Alltel) filed to intervene on November 13, 2006. At a regularly scheduled meeting of November 14, 2006, the Commission granted intervention to SDTA. The Petitions to Intervene of RCC and Alltel were deferred. On November 17, 2006, the Commission received Venture's Responses to RCC and Alltel's Petitions to Intervene. On December 5, 2006, the Commission received Venture's Supplement to Petition for Suspension. At a regularly scheduled meeting of November 20, 2006, the Commission granted intervention to RCC and Alltel.

On January 12, 2007, the Commission received from Alltel a Request to Use Office of Hearing Examiners (OHE) pursuant to SDCL 1-26-18.3. On January 26, 2007, the Commission received from Venture and SDTA an Opposition to Request of Alltel Communications, Inc. to Use the Office of Hearing Examiners. On January 30, 2007, the Commission received Alltel's Reply to Opposition to Request of Alltel to Use the Office of Hearing Examiners. On January 31, 2007, the Commission received Alltel and RCC's Response and Motion to Dismiss the Venture Petition for Suspension or Modification. At its February 1, 2007, meeting, the Commission granted Alltel's request to use the OHE. The Commission found that SDCL 1-26-18.3, in conjunction with SDCL Chapter 1-26D, gives Alltel the right to use the OHE. The Commission transferred the docket to the OHE.

On August 29, 2007, the Commission received a Joint Motion for Transfer and to Set Hearing Date. In the Joint Motion, Venture, Alltel, RCC, SDTA, and Staff requested that the Commission transfer the docket from the OHE to the Commission. The parties further requested that the Commission set a hearing date for October 3 and 4, 2007. On September 7, 2007, Venture and SDTA filed a Motion to Strike and Motion in Limine. At its September 11, 2007, meeting, the Commission considered the Joint Motion for Transfer. At the request of Venture, the Commission deferred action. On September 14, 2007, Alltel filed a response opposing the Motion to Strike and Motion in Limine.

At a September 19, 2007, meeting, the Commission considered the Joint Motion for Transfer and to Set Hearing Date and the Motion to Strike and Motion in Limine. The Joint Motion for Transfer and to Set Hearing Date was supported by all of the parties. The Commission voted unanimously to grant the motion. The Commission then heard argument from the parties regarding the Motion to Strike and Motion in Limine.

As set forth in the Joint Motion for Transfer, all of the parties had agreed that "all prefiled testimony has been filed, with the possible exception of additional pre-filed testimony that may result from amendment of Alltel's response to Venture's Petition for Arbitration (Docket TC06-159), and responses by Venture thereto." In Alltel's Amended Response to Venture's Petition for Arbitration, Alltel agreed to support two direct points of interconnection on the Venture network. Alltel then filed additional prefiled testimony of Bob Keeger and Ron Williams in this docket. Venture and SDTA objected to much of the additional testimony, arguing that most of the testimony was not the result of Alltel's Amended Response in the arbitration docket. Alltel and RCC claimed that the testimony was relevant and related to the Amended Response. Commission Staff recommended denying the Motion to Strike and Motion in Limine. The Commission voted unanimously to grant the Motion to Strike and the Motion in Limine.

The Commission finds that the parties had agreed that all prefiled testimony had already been filed with a limited exception for additional prefiled testimony if it was a result of Alltel's Amended Response. The Commission finds that much of Alltel's additional prefiled testimony was not related to the Amended Response in the arbitration docket. Specifically, for the prefiled testimony of Bob Keeger, the Commission strikes the written testimony starting at page 2, line 17, through page 10, line 3, and Exhibit RK1. For the prefiled testimony of Ron Williams, dated September 5, 2007, the Commission strikes Page 1, lines 19-24; all of pages 2 and 3; page 4, lines 1-5; page 4, line 22, beginning with "In addition..." through line 23; and all of pages 5 through 14, and Confidential Exhibit RW2.

The Commission also set the hearing date and date for Venture's response to Alltel's additional prefiled testimony. The Commission set the hearing for October 3 and 4, 2007, beginning at 8:00 A.M. on October 3. Venture shall file any responsive testimony on or before September 25, 2007.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, specifically §§ 49-31- 80 and 49-31-81, 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.

A hearing will be held on this matter beginning at 8:00 A.M. on October 3, 2007, and continuing on October 4, 2007, in Room 412, State Capitol Building, 500 East Capitol, Pierre, South Dakota.

The issues to be determined by the Commission are: 1) whether to grant Venture's request for modification of the dialing parity requirement such that Venture is not required to provide local dialing and it is not required to transport traffic outside of its service territory or beyond the wireline local calling area; 2) whether to grant Venture's request for a modification of the reciprocal compensation requirements such that it is not required to pay reciprocal compensation on traffic terminating to a wireless carrier within the same MTA that is handed off to an interexchange carrier in accordance with Venture's wireline local calling areas; and 3) whether to grant Venture's request for a modification of the symmetrical compensation requirement and that compensation for wireless carriers be based on a wireless carrier's forward looking cost study.

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 decide whether to grant or deny 1) Venture's request for modification of the dialing parity requirement such that Venture is not required to provide local dialing and it is not required to transport traffic outside of its service territory or beyond the wireline local calling area; 2) Venture's request for a modification of the reciprocal compensation requirements such that it is not required to pay reciprocal compensation on traffic terminating to a wireless carrier within the same MTA that is handed off to an interexchange carrier in accordance with Venture's wireline local calling areas; and 3) Venture's request for a modification of the symmetrical compensation requirement and that compensation for wireless carriers be based on a wireless carrier's forward looking cost study. The Commission's Final Decision may be appealed by the parties as provided by law.

It is therefore

ORDERED, that the Joint Motion for Transfer and to Set Hearing Date is granted; and it is

FURTHER ORDERED, that the Motion to Strike and Motion in Limine is granted; and it is

FURTHER ORDERED, that a hearing shall be held at the time and place specified above on the issues set forth 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 21st day of September, 2007.

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>Alaine Kolbo</u>
Date:	<u>9/21/07</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Austin M. Johnson
DUSTIN M. JOHNSON, Chairman *dk*

Gary Hanson
GARY HANSON, Commissioner

Steve Kolbeck
STEVE KOLBECK, Commissioner