



**BUREAU OF ADMINISTRATION
OFFICE OF HEARING EXAMINERS**

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September 25, 2006



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RE: Golden West Companies/WWC License L.L.C.

Dear Counsel:

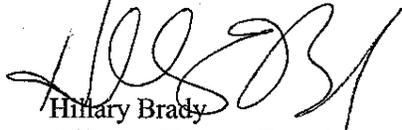
Attached please find the Amended Order Setting Procedural Schedule and the Order for and Notice of Hearing.

Post-it® Fax Note	7671	Date	9/26/06	# of pages	8
To	Rolayne Ailts	From	Hillary Brady		
Co./Dept	Kara Van Bockern	Co.	DHE		
Phone #		Phone #			
Fax #		Fax #			

I received a telephone call from Mr. Coit this afternoon wherein he questioned whether or not there was a pre-hearing meeting scheduled. He felt it would be appropriate to meet to discuss order of witnesses etc. I am available on **October 4, 2006 at 10:00 AM (CDT) and have set one-half hour aside for this matter.** (Should any party feel this is not necessary please contact me as soon as possible.) This will not be a time to hear motions or argument. It is a time to get loose ends tied up and facilitate an organized and time efficient hearing. At the scheduled time you must call the conference operator at 1-800-254-1665. Tell the operator which hearing you are calling in for and give the telephone number from where you are calling.

Mr. Coit further questioned the time frame for my rulings on the motions heard last week. As indicated at the hearing, I was out of the office on the 21st and 22nd. Considering this is completely new procedure and subject matter it is taking more time than I expected for me to give the matters a diligent and appropriate amount of review. I foresee my decisions on the motions being completed today or tomorrow.

Sincerely,



Hillary Brady
Office of Hearing Examiners

**STATE OF SOUTH DAKOTA
OFFICE OF HEARING EXAMINERS**

**IN THE MATTER OF THE PETITIONS OF
ARMOUR INDEPENDENT TELEPHONE
COMPANY, BRIDGEWATER CANISTOTA
INDEPENDENT
TELEPHONE COMPANY,
GOLDEN WEST
TELECOMMUNICATIONS
COOPERATIVE, INC., KADOKA
TELEPHONE COMPANY, SIOUX
VALLEY TELEPHONE
COMPANY, UNION TELEPHONE
COMPANY
AND VIVIAN TELEPHONE COMPANY
FOR
ARBITRATION PURSUANT TO THE
TELECOMMUNICATIONS ACT OF 1966
TO
RESOLVE ISSUES RELATING TO
INTERCONNECTION AGREEMENTS
WITH
WWC LICENSE L.L.C.**

**AMENDED
ORDER
SETTING
PROCEDURAL
SCHEDULE;
ORDER FOR
AND NOTICE
OF HEARING**

**TC06-036
TC06-037
TC06-038
TC06-039
TC06-040
TC06-041
TC06-042**

On May 3, 2006, Armour Independent Telephone Company, Bridgewater-Canistota Independent Telephone Company, Golden West Telecommunications Cooperative, Inc., Kadoka Telephone Company, Sioux Valley Telephone Company, Union Telephone Company and Vivian Telephone Company (Companies) filed petitions for arbitration of certain unresolved terms and conditions of proposed Interconnection Agreements between Companies and WWC License L.L.C. (WWC), pursuant to Section 252 of the Telecommunications Act of 1996, SDCL 49-31-81, and ARSD 20:10:32:29. Companies filed a list of unresolved issues consisting of: (1) Is the reciprocal compensation rate for Local Traffic proposed by Companies appropriate pursuant to 47 U.S.C. Section 252(d)(2)? (2) What is the appropriate Percent InterLATA Use factor to be applied to non-local traffic exchanged between the parties? (3) What is the appropriate manner by which the minutes of use of Local Traffic terminated by the parties, one to the other, should be calculated and billed? Companies "respectfully request that the Commission grant the following relief: A. Order arbitration of any unresolved issues between [Companies] and WWC; B. Issue an order directing [Companies] and WWC to submit to the Commission for approval an interconnection agreement reflecting: (i) the agreed-upon language in

Exhibit A and (ii) the resolution in this arbitration proceeding of any unresolved issues in accordance with the recommendations made by [Companies] herein, at the hearing on such issues and in Exhibit A; C. Order the parties to pay interim compensation for transport and termination of telecommunications traffic from January 1, 2006 (the Effective Date set forth in Exhibit A) to the date on which the Commission approves the parties' executed interconnection agreement in accordance with Section 252(e) of the Act [footnote omitted]; D. Retain jurisdiction of this arbitration until the parties have submitted an executed interconnection agreement for approval by the Commission in accordance with Section 252(e) of the Act; and E. Take such other and further action as it deems necessary and appropriate." 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 May 15, 2006, the Commission received Motions for Consolidation from Companies. On May 30, 2006, the Commission received a Response of WWC to Petitions of Arbitration of the Golden West Companies.

By order dated June 5, 2006, the Commission granted the Motions for Consolidation and assessed a deposit on the parties not to exceed \$75,000.00, pursuant to SDCL49-31-44.

By order dated July 14, 2006 the Commission granted intervention by SDTA, and ordered the matter be transferred to the Office of Hearing Examiners. Upon the Office of Hearing Examiner's issuing its Proposed Decision, the Commission shall accept, reject, or modify the findings, conclusions and decision.

On July 28, 2006 the Commission received from the Golden West Companies an Application for Reconsideration regarding the Commission's Granting the request of WWC to use the Office of Hearing Examiners. On July 28, 2006, the Commission received a Motion to Suspend Procedural Schedule from the Golden West Company.

In an Order dated August 24, 2006, the Commission granted Golden West Companies' Motion to Suspend Procedural Schedule and voted to deny the Application for Reconsideration of Golden West Companies. Commission further ordered that all pending motions in front of them shall be heard and decided by the Office of Hearing Examiners.

By conference call held on September 11, 2006, the parties agreed to the following procedural schedule:

With regard to all dates herein provided for the exchange of information between the parties or the filing of information with the Office of Hearing

Examiners, all such exchanges or filings shall occur prior to 5:00 p.m. CST or CDT, as applicable;

Discovery requests and responses shall not be filed with the Office of Hearing Examiners unless necessary in connection with a motion to compel or if introduced as a hearing exhibit;

On or before September 20, 2006, all parties shall serve and file direct testimony, including exhibits;

On or before October 4, 2006, all parties shall serve and file rebuttal testimony, including exhibits;

On or before October 6, 2006, all parties shall serve and file disclosures of witnesses regarding rebuttal testimony and serve exhibits for use on Cross Examination.

No witness shall be allowed to testify at the hearing unless that witness has prefiled testimony pursuant to this procedural schedule with the exception of witnesses offering live testimony regarding issues first raised in rebuttal testimony. Such testimony shall not be duplicative of prefiled testimony. In the event that a party determines that it will present testimony in response to rebuttal testimony from one or more witnesses that have not prefiled testimony, the names and personal resumes of such witnesses, and a general description of the facts and testimony to be offered by such witnesses shall be provided to the other party and the Commission not later than October 6, 2006;

Documents served or filed are served on the date they are received. All documents shall be served by email, in .pdf format, and service by email is effective when received. In addition to filing electronically, a filing party shall provide the Office of Hearing Examiners with one paper copy of each document filed;

The hearing shall be held on October 10-13, 2006, in Room 413 of the State Capitol Building, Pierre, South Dakota. The hearing will begin at 9:00 a.m. CDT on October 10, 2006. Parties shall arrive to mark exhibits by 8:00 a.m.

The parties shall simultaneously serve and file post hearing briefs on or before October 30, 2006, along with proposed language for the disputed issues in the interconnection agreement.

The parties shall simultaneously serve and file reply briefs, findings of fact and conclusions of law on or before November 7, 2006.

The proposed decision from the Office of Hearing Examiners shall be

provided to the Public Utilities Commission on or before November 30, 2006.

The Commission shall hear oral argument on December 6, 2006.

The Commission shall issue its decision resolving the issues in the arbitration on or before December 31, 2006. The decision shall establish a procedure and schedule for filing a conformed arbitrated agreement for consideration by the Commission. The Commission's resolution of the issues presented in the arbitration shall not be according to "final offer" or "baseball" arbitration in which the Commission must accept the final offer of one or the other party, but rather shall be according to "traditional" arbitration in which the Commission may resolve issues presented as it determines to be proper consistent with the facts presented and applicable legal requirements.

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. The Commission may rely upon any or all of these or other laws of this state in making its determination.

These issues to be determined by the Commission are the issues set forth by the Companies in their Petitions for Arbitration and the issues as set forth by WWC in its Response to the Petitions for Arbitration. These issues are hereby incorporated by reference.

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 issues listed in the Companies' Petitions for Arbitration and WWC's Response to Petitions for Arbitration and order any appropriate relief. The Commission's Final Decision may be appealed by the parties as provided by law. It is therefore

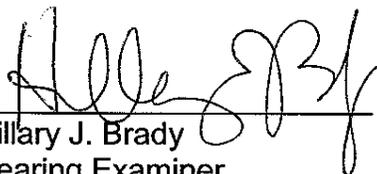
ORDERED, that the parties shall follow the procedural schedule as set forth above; and it is

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 this 25th day of September 2006

A handwritten signature in black ink, appearing to read "Hillary J. Brady", written over a horizontal line.

Hillary J. Brady
Hearing Examiner
Office of Hearing Examiners
210 E. 4th Street
Pierre, SD 57501

CERTIFICATE OF SERVICE

I certify that on September 27, 2006, at Pierre, South Dakota, a true and correct copy of this Notice of Hearing was mailed to the parties listed below.

ROLAYNE AILTS WIEST ATTORNEY AT LAW PUBLIC UTILITIES COMMISSION 500 EAST CAPITOL AVENUE PIERRE SD 57501	KARA VAN BOCKERN ATTORNEY AT LAW PUBLIC UTILITIES COMMISSION 500 EAST CAPITOL AVENUE PIERRE SD 57501
TALBOT J WIECZOREK ATTORNEY AT LAW PO BOX 8045 RAPID CITY SD 57709	RICHARD B COIT ATTORNEY AT LAW PO BOX 57 PIERRE SD 57701
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RON WILLIAMS WWC LICENSE LLC 3650 131 ST AVENUE SE BELLEVUE WA 98006	DENNIS LAW REGIONAL MANAGER TELCO PO BOX 98 DELL RAPIDS SD 57022-0098
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