

April 17, 2007

Ms. Patty Van Gerpen, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Ave.
State Capitol Building
Pierre, SD 57501

RE: Docket TC07-007, Petition of Brookings Municipal Utilities d/b/a Swiftel
Communications for Suspension or Modification

Dear Ms. Van Gerpen:

Enclosed for filing in the above referenced docket you will find the electronic original of a
"SDTA Answer to Petition."

As is evidenced by the Certificate of Service attached to the Petition, service has been made to
Swiftel Communications and other intervening parties.

Thank you for your assistance in filing and distributing copies of this Answer.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Coit". The signature is fluid and cursive, with the first name "Richard" being the most prominent part.

Richard D. Coit
SDTA Executive Director and General Counsel

CC: Richard J. Helsper
Benjamin H. Dickens
Mary J. Sisak
Talbot J. Wiczorek
Darla Pollman Rogers
David A. Gerdes
Stephen B. Rowell
Karen E. Cremer

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

**IN THE MATTER OF THE PETITION OF)
BROOKINGS MUNICIPAL UTILITIES DB/A)
SWIFTEL COMMUNICATIONS FOR SUSPENSION) Docket No. TC07-007
OR MODIFICATION OF DIALING PARITY,)
NUMBER PORTABILITY AND RECIPROCAL)
COMPENSATION OBLIGATIONS)**

SDTA Answer to Petition

The South Dakota Telecommunications Association ("SDTA"), pursuant to the Commission's recent procedural schedule issued in the above captioned proceeding, hereby submits the following as its answer or response to the "Petition for Suspension or Modification" filed by Brookings Municipal Utilities d/b/a Swiftel Communications:

1. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota.

2. On or about January 30, 2007, Brookings Municipal Utilities d/b/a Swiftel Communications, Inc. (Swiftel) filed a Petition with this Commission pursuant to 47 U.S.C. § 251(f)(2) and SDCL 49-31-80 seeking a suspension or modification of certain "number portability, dialing parity, and reciprocal compensation obligations." The "Petition for Suspension or Modification of Dialing Parity, Number Portability and Reciprocal Compensation Obligations" (Petition) has been filed in response to certain interconnection demands presented by Sprint Communications Company L.P. (Sprint).

3. Generally, with its Petition, Swiftel request the following from this Commission: (1) a modification of the local number portability (LNP) requirement such that it is not required to implement wireline LNP until 4 months after a competitive LEC is certified to provide local exchange services in Swiftel's service territory; (2) modification of the LNP requirement such

that Swiftel is not required to transport local calls to ported numbers located beyond its service territory; (3) modification of the dialing parity requirement such that Swiftel is not required to provide local dialing parity with respect to inter-exchange traffic and not required to transport traffic outside of its service territory; (4) modification of the toll dialing parity requirement such that Swiftel is not required to perform the equal access function at the end office or establish switched access transport facilities other than the common trunks to the South Dakota Network (SDN); (5) modification of requirements that would prevent Swiftel from collecting access charges on traffic destined for locations outside of its local calling area (on toll traffic); (6) modification of any requirement that it pay reciprocal compensation on traffic terminating to a wireless carrier within the MTA that is handed off to an inter-exchange carrier in accordance with Swiftel's wireline local calling area; and (7) the issuance of an immediate temporary suspension of the §§ 251(b)(2), (3) and (5) provisions to accommodate these requested modifications.

4. Sprint, with its' interconnection request to Swiftel, seeks to impose extraordinary interconnection obligations on Swiftel that, if ordered by this Commission, would have substantial negative impacts on Swiftel and the end users of its local exchange services. Furthermore, the issues presented in this matter relating to Swiftel's Petition and the scope of interconnection obligations that should be imposed are issues of great importance to all rural telephone companies operating in South Dakota, including all of the SDTA member companies.

5. The decisions made by the Commission in this proceeding are likely to establish some precedent and, as such, are likely to affect other SDTA member companies. Generally, what Sprints seeks are interconnection arrangements that would (1) move access traffic off the SDN centralized equal access network and require Swiftel to provide end office equal access services; (2) shift substantial transport costs associated with interconnection to Swiftel by asking that this Commission require Swiftel to transport traffic to a point or points of interconnection outside its

rural service area; and (3) further impose excessive costs on Swiftel and its local exchange subscribers by expanding local dialing parity obligations in such manner that originated traffic currently classified as long distance traffic would, instead, be classified as local traffic. The various interconnection demands presented by Sprint would require Swiftel to incur substantial additional costs associated with the deployment of additional transport facilities, the stranding of current facilities, losses in access revenue, increases in reciprocal compensation charges, and shifts in jurisdictional expenses between local and toll access services. The interconnection arrangements requested by Sprint, if ordered, would also give certain competitive advantages to Sprint effectively requiring Swiftel's end user customers to subsidize the competitive services that would be enabled through the requested interconnection arrangements.

5. The issues raised by the Swiftel Petition, relating to usage or non-usage of the current SDN network, originating carrier transport responsibilities, the scope of local dialing parity, and reciprocal compensation obligations are of critical importance to all rural telephone companies in South Dakota. SDTA concurs in Swiftel's positions as set forth in its Petition for Suspension and/or Modification. Granting the requested suspensions and/or modifications is necessary to preserve universal service in rural service areas and is consistent with the applicable standards of review set forth in 47 U.S.C. §§ 251(f)(2)(A) and 251(f)(2)(B). If this Commission determines that Swiftel should provide interconnection as requested by Sprint and, as a result, other rural telephone companies face similar interconnection requests from Sprint and/or other carriers, these other rural companies will face similar negative impacts.

6. In addition, it should be noted that Sprint is seeking through its interconnection demands to press this Commission into action on certain call rating and routing issues that are already pending before the FCC in various proceedings. See Federal Communications Commission Seeks Comment on Initial Regulatory Flexibility Analysis in Telephone Number Portability Proceeding, CC Docket No. 95-1 16, Public Notice, 20 FCC Rcd 8616 (2005); and In

the Matter of Sprint Petition for Declaratory Ruling, Obligation of Incumbent LECs to Load Numbering Resources Lawfully Acquired and to Honor Rating and Routing Points Designated by Interconnecting Carriers, CC Docket No. 01-92 (filed July 18, 2002). Because these various call rating and routing issues (including transport obligation issues) are already pending at the federal level and are likely to be addressed on a national scale, there is further justification for granting the Swiftel Petition.

Dated this 17th day of April, 2007.

Respectfully submitted:
SDTA

A handwritten signature in black ink, appearing to read "Richard D. Coit", is written over a horizontal line.

Richard D. Coit
Executive Director and General Counsel

CERTIFICATE OF SERVICE

I hereby certify that an original of the Answer to Petition dated April 17th, 2007, filed in PUC Docket TC07-007 was served upon the PUC electronically on that same date, directed to the attention of:

Ms. Patty Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
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A copy was sent by US Postal Service First Class mail to each of the following individuals:

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Dated this 17th day of April 2007.



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