

# GUNDERSON, PALMER, GOODSSELL & NELSON, LLP

## ATTORNEYS AT LAW

J. CRISMAN PALMER  
G. VERNE GOODSSELL  
JAMES S. NELSON  
DANIEL E. ASHMORE  
TERENCE R. QUINN  
DONALD P. KNUDSEN  
PATRICK G. GOETZINGER  
TALBOT J. WIECZOREK  
JENNIFER K. TRUCANO  
DAVID E. LUST  
THOMAS E. SIMMONS

ASSURANT BUILDING  
440 MT. RUSHMORE ROAD  
POST OFFICE BOX 8045  
RAPID CITY, SOUTH DAKOTA 57709-8045  
TELEPHONE (605) 342-1078 • FAX (605) 342-0480  
www.gundersonpalmer.com  
ATTORNEYS LICENSED TO PRACTICE IN  
SOUTH DAKOTA, NORTH DAKOTA, IOWA, NEBRASKA  
COLORADO, CALIFORNIA, WYOMING & MINNESOTA

TERRI LEE WILLIAMS  
SARA FRANKENSTEIN  
AMY K. KOENIG  
JASON M. SMILEY  
SHANE C. PENFIELD  
JONATHAN M. OOSTRA  
MATTHEW E. NAASZ  
MATTHEW R. MCGOVERN  
QUENTIN L. RIGGINS  
WYNN A. GUNDERSON  
*Of Counsel*

November 28, 2007

### E-FILING at PUCDOCKETFILINGS@state.sd.us

Ms. Patricia Van Gerpen  
South Dakota Public Utilities Commission  
Capitol Building, 1<sup>st</sup> Floor  
500 East Capitol Avenue  
Pierre SD 57501-5070

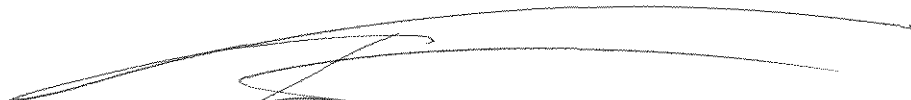
RE: In the Matter of the Petition of **Beresford Municipal Telephone Company** for  
Arbitration to Resolve Issues relating to an ICA with Alltel Communications, Inc.  
TC07-113 GPGN File No. 5925.070687

Dear Ms. Van Gerpen:

Enclosed for filing please find Alltel Communications, Inc.'s Response to Petitioner's Proposed Scheduling Order in the above-entitled Arbitration matter. I have also included a Certificate of Service. By copy of same, counsel has been served.

If you have any questions, please call me.

Sincerely,



Talbot J. Wieczorek

TJW:klw

Enclosures

c: Meredith Moore via email  
Keith Senger via email  
Karen Cremer via email  
Clients

**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, INC.**

**DOCKET No. TC 07-113  
PROPOSED SCHEDULING ORDER  
RESPONSE**

COMES NOW Alltel Communications, Inc. (“Alltel”), by and through its undersigned counsel, and sets forth the following response to the proposed schedule filed by Beresford Municipal Telephone Company (“Petitioner”) for the governance of the proceedings in the above-captioned matter:

**PROPOSED PROCEDURAL SCHEDULE**

1. On or before December 7, 2007, Petitioner shall disclose the entirety of the forward –looking economic cost study and results for transport and termination alleged and identified in Paragraph 13 of Petitioner’s Petition for Arbitration dated October 19, 2007.
2. On or before December 7, 2007, Petitioner shall disclose the entirety of the traffic study or “methodology” that was used to develop the InterMTA use factor as alleged and identified in Paragraph 14 of Petitioner’s Petition for Arbitration dated October 19, 2007.
3. On or before December 17, 2007, the first round of discovery requests shall be served by all parties and responses shall be due on or before January 11, 2008.
4. On or before February 2, 2008, the second round of discovery requests shall be served by all parties and responses shall be due on or before February 22, 2008.

Discovery requests and responses shall not be filed with the Commission unless necessary in connection with a motion to compel or if introduced as a hearing exhibit.

5. On or before March 10, 2008, all parties shall serve and file direct testimony, including exhibits;

6. On or before March 28, 2008, all parties shall serve and file rebuttal testimony, including exhibits.

7. 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 April 4, 2008;

8. Exhibits offered through a Party's witness shall be attached to prefiled testimony. Any exhibit that may be used on cross-examination shall be disclosed to the other party or on before April 9, 2008, with a copy provided upon request.

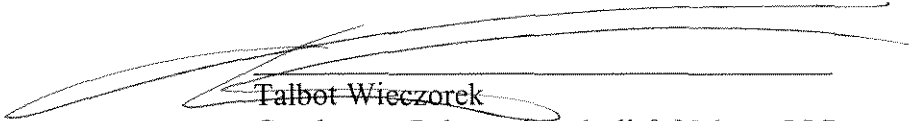
Documents served or filed are served on the date they are received. All documents shall be served by e-mail, in .pdf format or, in the case of work sheets, spread sheets or cost calculations, unprotected in the document's original electronic format. Service by e-mail is effective when received.

9. The hearing shall be held in approximately April 2008 or as soon thereafter as the Commission shall be able to hear this matter, in the State Capitol Building, Pierre, South Dakota. The hearing will begin at \_\_\_\_\_ a.m. CDT on \_\_\_\_\_. Parties shall arrive prior to the commencement of the hearing to mark exhibits.

10. The parties shall simultaneously serve and file post hearing briefs 45 days following the hearing, along with proposed language for the disputed issues in the interconnection agreement. The parties shall simultaneously serve and file reply briefs 14 days following the receipt of the initial post hearing briefs.

11. The Commission shall issue its decision resolving the issues in the arbitration on or before July 31, 2008.<sup>1</sup> The decision shall establish a procedure and schedule for filing a confirmed arbitrated agreement for consideration by the Commission. The Commission's resolution of the issues presented in the arbitration shall not be accorded 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.

Dated this 28th day of November, 2007.



Talbot Wiczorek

Gunderson, Palmer, Goodsell & Nelson, LLP  
440 Mt Rushmore Road  
PO Box 8045  
Rapid City, South Dakota 57709  
Phone: (605) 342-1078  
Fax: (605) 342-0480  
Email: [tjw@gpgnlaw.com](mailto:tjw@gpgnlaw.com)

ATTORNEYS FOR  
ALLTEL COMMUNICATIONS, INC.

---

<sup>1</sup> The parties will have to stipulate or otherwise agree upon an extension of time pursuant to 47 U.S.C. § 252(a)(4)

**CERTIFICATE OF SERVICE**

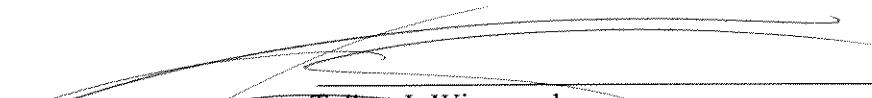
I hereby certify that on the 28th day of November, 2007, a true and correct copy of **Alltel Communication, Inc.'s Proposed Scheduling Order**, was sent electronically to:

Meredithm@cutlerlawfirm.com  
MEREDITH MOORE  
Cutler & Donahoe, LLP  
100 N Phillips Avenue - 9th Floor  
Sioux Falls, SD 57104-6725

Keith.senger@state.sd.us  
KEITH SENGER  
STAFF ANALYST  
SOUTH DAKOTA PUBLIC UTILITIES  
COMMISSION  
500 EAST CAPITOL  
PIERRE SD 57501

Karen.cremer@state.sd.us  
KAREN CREMER  
STAFF ATTORNEY  
SOUTH DAKOTA PUBLIC UTILITIES  
COMMISSION  
500 EAST CAPITOL  
PIERRE SD 57501

Harlan.Best@state.sd.us  
HARLAN BEST  
STAFF ANALYST  
SD PUC  
500 EAST CAPITOL  
PIERRE SD 57501

  
Talbot J. Wiecezorek