

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, 1st Floor
500 East Capitol Avenue
Pierre SD 57501-5070

RE: In the Matter of the Petition of **West River Cooperative Telephone Company** for
Arbitration to Resolve Issues relating to an ICA with Alltel Communications, Inc.
TC07-116 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. Wiczorek

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 WEST RIVER COOPERATIVE
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 07-116
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 West River Cooperative 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 al 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, 2008.¹ 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

ATTORNEYS FOR
ALLTEL COMMUNICATIONS, INC.

¹ 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. Wieczorek