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Robert D. Hofer

April 22, 2008

Ms. Patricia Van Gerpen
SD Public Utilities Commission
500 E Capitol Ave
Pierre SD 57501

Re: Midstate Communications, Inc.
Docket TC08-023

Dear Ms. Van Gerpen:


Please find attached hereto for filing in the above docket a Stipulation for Procedural Schedule.

If you have any questions, please do not hesitate to call me.

Sincerely yours,

RITER, ROGERS, WATTIER &
NORTHROP, LLP

By:


Darla Pollman Rogers

DPR/lma
Enclosure

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BEFORE THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

In the Matter of the Petitions)
of Local Exchange Carriers)
for Modification of Section 251 (b)(2)) Docket No. TC08-06 through TC08-27
of the Communications Act of 1934,)
as amended)

STIPULATION FOR PROCEDURAL SCHEDULE

WHEREAS, on February 7th and 8th, 2008, the above entitled companies, collectively referred to as Local Exchange Carriers (“LEC”s) filed individual Petitions (TC08-06 through TC08-27 collectively the “Petitions”) with the South Dakota Public Utilities Commission (“Commission”) pursuant to Section 251(f)(2) of the Telecommunications Act of 1996 (the “Act”), 47 U.S.C. § 251(f)(2), Section 49-31-80 of the South Dakota Codified Laws (“SDCL”), and the Commission’s Order in Docket TC05-137, for a suspension and modification of the intermodal number portability requirement in Section 251(b)(2) of the Communications Act of 1934, as amended;

WHEREAS, on February 29, 2008, Alltel Communications, LLC (“Alltel”), and Verizon Wireless (VAW) LLC, CommNet Cellular License Holding LLC, Missouri Valley Cellular, Inc., Sanborn Cellular, Inc., and Eastern South Dakota Cellular, Inc. d/b/a Verizon Wireless (“Verizon Wireless”), filed for intervention in all of said dockets with respect to intermodal LNP¹; Midcontinent Communications (“Midcontinent”) filed for intervention in all of said dockets with respect to VoIP LNP; MCC Telephony of the Midwest, Inc., d/b/a Mediacom (“Mediacom”) and Sprint Communications Company, L.P. (“Sprint”) filed for intervention in two of said dockets with respect to VoIP LNP;

¹ Alltel and Verizon Wireless are referred to collectively as the “Wireless Carriers.”

and South Dakota Telecommunications Association (“SDTA”), intervened in all of said dockets;

WHEREAS, the parties wish to hold this matter in abeyance in order to allow the parties to begin negotiations that may resolve the outstanding issues raised in these dockets;

WHEREAS, pursuant to Section 251(f)(2) the Commission must act on the Petitions filed by the LECs within one hundred and eighty (180) days from the date the Petitions are filed;

WHEREAS, the parties wish to extend the deadlines in which a decision must be made upon the Petitions by the Commission for an additional three months, until November 8, 2008;

WHEREAS, all motions to intervene were granted by the Commission on March 25, 2008;

WHEREAS, the parties agree that the LECs shall not be obligated to implement intermodal LNP by May 8, 2008, and the existing suspension shall be extended on a temporary basis;

IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. The parties agree that the Commission may hold this matter in abeyance so that the Petitioners and each Wireless Carrier can engage in negotiations to seek to resolve the transport of calls to ported-out numbers from a Petitioner’s local calling areas to the Wireless Carrier’s network. The parties agree that on request of either the ILEC or the Wireless Carrier the negotiations will include one or more third-party providers of transit services. The Petitioners and Wireless Carriers agree:

(a) The Petitioners and Wireless Carriers agree to engage in diligent, good faith, arms-length negotiations, including negotiations with one or more third-party providers as discussed in paragraph 1. The negotiations will include the rates, terms, and technical requirements for the provision of transport of calls to ported-out numbers.

(b) No Petitioner and no Wireless Carrier is obligated to enter into any agreement as a result of these negotiations.

(c) The Petitioners and the Wireless Carriers disagree as to which party will be obligated to pay for the transport of calls to ported-out numbers, including any transit rate to a third-party provider. The Petitioners and Wireless Carriers agree to set that dispute aside during these negotiations. No party shall be deemed to have made any concession or admission on this point as a result of engaging in these negotiations. Further, no party shall be deemed to have made any concession or admission with respect to points of interconnection.

(d) The Petitioners and Wireless Carriers agree to make their best efforts to conclude these negotiations by June 1, 2008.

2. The parties agree to waive the one hundred and eighty (180) day timeline and extend the deadline by which a Commission decision must be made upon the Petitions for an additional three months, until November 8, 2008.

3. The parties agree that the LECs existing suspensions shall be extended on a temporary basis until August 8, 2008. The parties agree that the LECs may seek a further temporary suspension, as necessary, until November 8, 2008.

4. The parties agree to the following procedural schedule:

(a) The parties shall enter into a confidentiality agreement on or before May 16, 2008.

(b) Discovery may be served on or before June 9, 2008. Responses to discovery requests are due June 30, 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.

(c) On or before June 30, 2008, Petitioners shall serve and file direct testimony, including exhibits.

(d) Intervenors may serve additional discovery on Petitioners on or before July 3, 2008, which shall be limited to new matters in direct testimony. Petitioners shall respond to the additional discovery on or before July 10, 2008.

(e) On or before July 17, 2008, any Intervenor may serve and file rebuttal testimony, including exhibits.

(f) Petitioners may serve additional discovery on Intervenors on or before July 23, 2008, which shall be limited to new matters in rebuttal testimony. Intervenors shall respond to the additional discovery on or before July 29, 2008.

(g) On or before August 5, any Petitioner shall serve and file reply testimony, including exhibits, which shall be limited to new matters in rebuttal testimony.

(h) The hearing shall be set in approximately mid-August 2008. No witness shall be allowed to testify at the hearing unless that witness has prefiled testimony pursuant to this schedule. Exhibits offered through a Party's witness

shall be attached to prefiled testimony. Any exhibit that may be used on cross-examination shall be provided to the other party or before August 11, 2008.

(i) A post hearing briefing schedule will be set at the hearing.

(j) All service shall be accomplished by email, which is effective upon receipt by the party served. Documents shall be served in .pdf format or, in the case of work sheets, spread sheets or cost calculations in electronic format, in unprotected format.

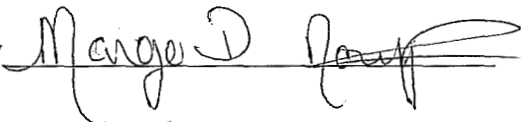
South Dakota Public Utilities Commission Staff

By Rolayne Seltz West

Date 4-22-08

2165953v1

- TC08-006 Alliance Communications Cooperative, Inc., Splitrock Properties, Inc. and Hills Telephone Company
- TC08-007 Kennebec Telephone Company
- TC08-008 Faith Municipal Telephone Company
- TC08-009 Western Telephone Company
- TC08-010 Sioux Valley Telephone Company
- TC08-011 Venture Communications Cooperative, Inc.
- TC08-012 RC Communications, Inc., and Roberts County Telephone Cooperative Association
- TC08-013 Beresford Municipal Telephone Company
- TC08-014 Golden West Telecommunications Cooperative, Inc.
- TC08-015 Vivian Telephone Company
- TC08-016 Kadoka Telephone Company
- TC08-017 Brookings Municipal Utilities d/b/a Swiftel Communications
- TC08-018 Union Telephone Company
- TC08-019 Armour Independent Telephone Company
- TC08-020 McCook Cooperative Telephone Company, Tri-County Telcom
- TC08-021 Bridgewater-Canistota Independent Telephone Company
- TC08-022 Valley Telecommunications Cooperative Association
- TC08-023 Midstate Communications, Inc.
- TC08-024 Interstate Telecommunications Cooperative, Inc.
- TC08-025 West River Cooperative Telephone Company
- TC08-026 Stockholm-Strandburg Telephone Company
- TC08-027 Santel Communications Cooperative, Inc.

By 

Date April 22, 2008

By /s/ Richard J. Helsper
(for Brookings Municipal Utilities d/b/a Swiftel Communications)

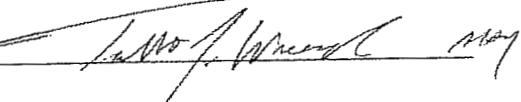
Date April 21, 2008

South Dakota Telecommunications Association (“SDTA”)

By /s/ Rich Coit

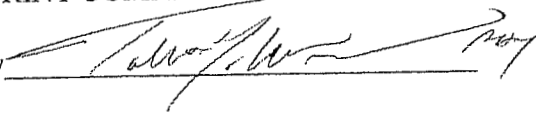
Date 4/22/2008

Alltel Communications, Inc., ("Alltel")

By 

Date 4/21/08

SPRINT COMMUNICATIONS COMPANY L.P. ("Sprint")

By 

Date 4/21/08

Verizon Wireless (VAW) LLC, CommNet Cellular License Holding LLC, Missouri Valley Cellular, Inc., Sanborn Cellular, Inc., and Eastern South Dakota Cellular, Inc. d/b/a Verizon Wireless ("Verizon Wireless")

By Dennis Duvall

Date April 21, 2008

MCC Telephony of the Midwest, Inc., d/b/a Mediacom (“Mediacom”)

By /s/ Brett M. Koenecke

Date April 22, 2008

Midcontinent Communications (“Midcontinent”)

By /s/ David A. Gerdes

Date April 22, 2008

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Certificate of Service

The undersigned, attorney for Petitioner, hereby certifies that a true and correct copy of the foregoing Stipulation for Procedural Schedule was served electronically on this 22nd day of April, 2008, upon:

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