

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
JONATHAN M. OOSTRA
MATTHEW E. NAASZ
MATTHEW R. MCGOVERN
QUENTIN L. RIGGINS
JEFFREY R. CONNOLLY
WYNN A. GUNDERSON
Of Counsel

August 5, 2008

E-FILING

Patricia Van Gerpen
South Dakota Public Utilities Commission
Capitol Building, 1st Floor
500 East Capitol Avenue
Pierre SD 57501-5070

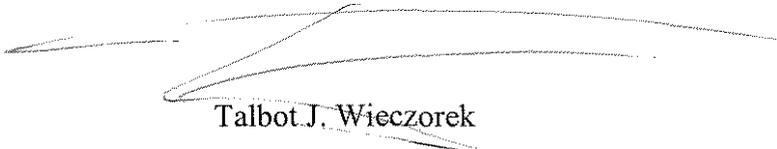
RE: Alltel Communications, Inc.
In the Matter of the Petition for Suspension or Modification of Section 251(b)(2)
of the Communications Act of 1934, as amended – LNP Matters
TC08-006 through TC08-027 GPNA File No. 05925.0048

Dear Ms. Van Gerpen:

Attached please find Verizon's and Alltel's Response to Request for Further Temporary Suspension in the above dockets. I have included a Certificate of Service. By copy of same, counsel have been served.

If you have any questions, please contact me.

Sincerely,



Talbot J. Wiczorek

TJW:klw
Enclosure

c: Service List
Client

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

In the Matter of the Petition of Alliance)
Communications Cooperative, Inc., Splitrock)
Properties, Inc. and Hills Telephone)
Company, Inc. for Suspension or) **Docket No. TC08-006**
Modification of 47 U.S.C. Section 251(b)(2))
of the Communications Act of 1934 as)
Amended)

In the Matter of the Petition of Kennebec)
Telephone Company for Suspension or)
Modification of 47 U.S.C. Section 251(b)(2)) **Docket No. TC08-007**
of the Communications Act of 1934 as)
Amended)

In the Matter of the Petition of Faith)
Municipal Telephone Company for)
Suspension or Modification of 47 U.S.C.) **Docket No. TC08-008**
Section 251(b)(2) of the Communications Act)
of 1934 as Amended)

In the Matter of the Petition of Western)
Telephone Company for Suspension or)
Modification of 47 U.S.C. Section 251(b)(2)) **Docket No. TC08-009**
of the Communications Act of 1934 as)
Amended)

In the Matter of the Petition of Sioux Valley)
Telephone Company for Suspension or)
Modification of 47 U.S.C. Section 251(b)(2)) **Docket No. TC08-010**
of the Communications Act of 1934 as)
Amended)

In the Matter of the Petition of Venture)
Communications Cooperative, Inc. for)
Suspension or Modification of 47 U.S.C.) **Docket No. TC08-011**
Section 251(b)(2) of the Communications Act)
of 1934 as Amended)

In the Matter of the Petition of RC)
Communications, Inc., and Roberts County)
Telephone Cooperative Association for) **Docket No. TC08-012**
Suspension or Modification of 47 U.S.C.)
Section 251(b)(2) of the Communications Act)
of 1934 as Amended)

In the Matter of the Petition of Beresford)
Municipal Telephone Company for Suspension)
or Modification of 47 U.S.C. Section 251(b)(2))
of the Communications Act of 1934 as)
Amended) **Docket No. TC08-013**

In the Matter of the Petition of Golden West)
Telecommunications Cooperative, Inc., for)
Suspension or Modification of 47 U.S.C.)
Section 251(b)(2) of the Communications Act)
of 1934 as Amended) **Docket No. TC08-014**

In the Matter of the Petition of Vivian)
Telephone Company for Suspension or)
Modification of 47 U.S.C. Section 251(b)(2) of)
the Communications Act of 1934 as Amended) **Docket No. TC08-015**

In the Matter of the Petition of Kadoka)
Telephone Company for Suspension or)
Modification of 47 U.S.C. Section 251(b)(2) of)
the Communications Act of 1934 as Amended) **Docket No. TC08-016**

In the Matter of the Petition of Brookings)
Municipal Utilities d/b/a Swiftel)
Communications for Suspension or)
Modification of 47 U.S.C. Section 251(b)(2) of)
the Communications Act of 1934 as Amended) **Docket No. TC08-017**

In the Matter of the Petition of Union)
Telephone Company for Suspension or)
Modification of 47 U.S.C. Section 251(b)(2) of)
the Communications Act of 1934 as Amended) **Docket No. TC08-018**

In the Matter of the Petition of Armour)
Independent Telephone Company for)
Suspension or Modification of 47 U.S.C.)
Section 251(b)(2) of the Communications Act)
of 1934 as Amended) **Docket No. TC08-019**

In the Matter of the Petition of McCook)
Cooperative Telephone Company and Tri-)
County Telcom for Suspension or Modification)
of 47 U.S.C. Section 251(b)(2) of the)
Communications Act of 1934 as Amended) **Docket No. TC08-020**

In the Matter of the Petition of Bridgewater- Canistota Independent Telephone Company for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended)))))	Docket No. TC08-021
In the Matter of the Petition of Valley Telecommunications Cooperative Association, for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended)))))	Docket No. TC08-022
In the Matter of the Petition of Midstate Communications, Inc., for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended)))))	Docket No. TC08-023
In the Matter of the Petition of Interstate Telecommunications Cooperative, Inc., for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended)))))	Docket No. TC08-024
In the Matter of the Petition of West River Cooperative Telephone Company for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended)))))	Docket No. TC08-025
In the Matter of the Petition of Stockholm Strandburg Telephone Company for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended)))))	Docket No. TC08-026
In the Matter of the Petition of Santel Communications Cooperative, Inc., for Suspension or Modification of 47 U.S.C. Section 251(b)(2) of the Communications Act of 1934 as Amended)))))	Docket No. TC08-027

RESPONSE TO REQUEST FOR FURTHER TEMPORARY SUSPENSION

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”) and Alltel Communications, LLC (“Alltel”) hereby object to the Petitioners’ request for further temporary suspension of their obligation to implement local number portability (“LNP”). This request should be denied because it is supported by no facts that would justify the relief granted – to the contrary, the Petitioners make no attempt to provide such a factual basis. In the event that the request is not denied outright, it must be denied to the extent that a Petitioner i) has implemented LNP, and ii) has an existing direct connection with a wireless carrier seeking to port numbers. In those cases (which are identified below) the transport issue identified in the Petitions simply do not exist.

I. STANDARD

The Petitioners do not identify the standard that applies to their suspension request. Pursuant to the Commission’s prior orders, each Petitioner is operating under a temporary suspension that expires on August 8, 2008. In order to further suspend Petitioners’ LNP obligations the Commission must have a basis for doing so under 47 U.S.C. § 251(f)(2), which permits state commissions to suspend a carrier’s obligations only:

... to the extent that, and for such duration as, the State commission determines that such a suspension or modification –

- (A) is necessary;
 - (i) to avoid a significant adverse impact on users of telecommunications services generally;
 - (ii) to avoid imposing a requirement that is unduly economically burdensome; or
 - (iii) to avoid imposing a requirement that is technically infeasible; and
- (B) is consistent with the public interest, convenience, and necessity.

47 U.S.C. § 251(f)(2). Here, the Commission can grant Petitioners’ request only if these standards are met.

Petitioners' request suggests that the Parties' April 22, 2008, Stipulation gives the Petitioners the absolute right to obtain this relief because it stated that the Petitioners "may seek a further suspension as necessary, until November 8, 2008." Request, ¶ 1. While Verizon Wireless and Alltel agreed that the Petitioners could ask for such a further temporary suspension, they specifically did not agree that such relief was necessary or that the Petitioners would be entitled to such relief. The Commission thus can grant this request only if the standards of Section 251(f)(2) are met.

II. THE RLECS HAVE MADE NO FACTUAL SHOWING NECESSARY TO GRANT THE REQUESTED RELIEF

The Petitioners' request should be denied because they have failed to make any factual showing whatsoever that could support their requested relief. To the contrary, the Petitioners' sole basis for their request is that the Parties have not reached a settlement, and the August 8 date – a date they knew of in April – is now upon us. The RLECs' failure to make any factual showing sufficient to meet the standards under Section 251(f)(2) requires a denial of the request.

III. THERE IS NO BASIS TO GRANT A FURTHER SUSPENSION WHERE PETITIONERS HAVE IMPLEMENTED LNP AND MAINTAIN DIRECT CONNECTIONS WITH A WIRELESS INTERVENOR

As the Commission is aware, the primary issue in these cases relates to what the Petitioners refer to as the "transport issue." Petitioners claim that the cost of transporting calls in the absence of direct connections would cause an undue economic burden on them. Where direct connections exist, however, no such burden is claimed. For example, Vivian's Petition states:

9. In the context of intermodal LNP, if Alltel and Verizon maintain their direct connections, then Vivian would be able to transport calls to numbers ported from a Vivian subscriber in the local calling areas associated with the Custer, Mission and Winner exchanges to Alltel. Vivian would also be able to transport calls to numbers ported from a Vivian subscriber in the local calling areas associated with the Custer, Gregory, Mission, Murdo and Winner exchanges to Verizon. However, if a Vivian subscriber in a different local calling area seeks to port a number to Alltel or Verizon, or if a Vivian subscriber seeks to port a number to

any other wireless carrier in Petitioner's service area, then there would be no existing interconnection facilities that would allow Petitioner to route, transport, and complete a call to the ported number as a local call. A suspension of Petitioner's duty to provide intermodal LNP, as requested herein, is necessary because additional time is needed to determine what points of interconnection and routing and transport methods will be established with each of the wireless carriers operating in South Dakota that may need to receive traffic to ported numbers.¹

The table below indicates the exchanges for which no further suspension could possibly be justified. In these exchanges, the Petitioner has implemented LNP and has a direct connection with a carrier that seeks LNP. The information from this table was taken from the Petitions filed in these cases.² The Commission should certainly deny the request to the extent it seeks to further suspend the obligations of the Petitioners below to port from the LNP capable exchanges listed below to the carriers with direct connections.

Petitioner	Exchange with LNP capability	Wireless carrier with direct connection
Golden West	Hot Springs	Verizon Wireless
	Wall	Verizon Wireless
	Martin	Alltel
Vivian	Custer	Verizon Wireless and Alltel
	Mission	Verizon Wireless and Alltel
	Winner	Verizon Wireless and Alltel
	Gregory	Verizon Wireless
	Murdo	Verizon Wireless
Kadoka	Kadoka	Verizon Wireless
McCook	Salem	Verizon Wireless.
Interstate	Webster	Alltel
Venture	Sisseton	Alltel

¹ Petition in TC08-015, ¶ 9.

² The exception in this is that Venture's Petition was vague as to where it had implemented LNP. The LERG, however, indicates that Sisseton is LNP capable.

CONCLUSION

For the above reasons, Verizon Wireless and Alltel request that the Commission deny the request.

Dated this 5th day of August, 2008.

**Attorneys for 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**

By-----S-----
Dennis L. Duncan
ZIMMER, DUNCAN AND COLE
120 N. Main Street
P.O. Box 550
Parker, South Dakota 57053
Telephone: 605-297-4446
Fax: 605-297-4488

Philip R. Schenkenberg
BRIGGS AND MORGAN, P.A.
80 South Eighth Street
2200 IDS Center
Minneapolis, Minnesota 55402
Telephone: 612-977-8400
Fax: 612-977-8650

Attorneys for Alltel Communications, Inc.



Talbot J. Wiczorek
Gunderson, Palmer, Goodsell & Nelson, LLP
PO Box 8045
440 Mt. Rushmore Road
Rapid City SD 57709-8045
Phone: (605) 342-1078
Fax: (605) 342-0480
Email: tjw@gpgnlaw.com

Stephen Rowell
Alltel Corporation
Building 4, Fifth Floor
One Allied Drive
Little Rock AR 72202-2099
Phone: (501) 905-8460
Email: Stephen.B.Rowell@alltel.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of **VERIZON'S and ALLTEL'S RESPONSES TO REQUEST FOR FURTHER TEMPORARY SUSPENSION** was delivered by electronic mail this 5th day of August, 2008, to the following:

MS PATRICIA VAN GERPEN
EXECUTIVE DIRECTOR
SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION
500 EAST CAPITOL
PIERRE SD 57501
patty.vangerpen@state.sd.us

MS ROLAYNE ALTS WIEST
STAFF ATTORNEY
SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION
500 EAST CAPITOL
PIERRE SD 57501
rolayne.wiest@state.sd.us

DON L. SNYDERS
ALLIANCE COMMUNICATIONS
COOPERATIVE/SPLITROCK PROPERTIES INC./
HILLS TELEPHONE COMPANY INC.
PO BOX 349
GARRETSON SD 57030-0349
don@alliancecom.net

MR RICHARD D COIT
EXECUTIVE DIRECTOR AND GENERAL
COUNSEL
SDTA
PO BOX 57
PIERRE SD 57501-0057
richcoit@sdtasonline.com

MR PHILIP SCHENKENBERG
ATTORNEY AT LAW
BRIGGS AND MORGAN P.A.
80 SOUTH EIGHTH STREET
2200 IDS CENTER
MINNEAPOLIS MN 55402
pschenkenberg@briggs.com

MR. DENNIS DUNCAN
ATTORNEY AT LAW
ZIMMER DUNCAN AND COLE
PO BOX 550
PARKER SD 57053
dlduncan@zdcclaw.com

MR HARLAN BEST
MS TERRI LABRIE BAKER
STAFF ANALYST
SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION
500 EAST CAPITOL
PIERRE SD 57501
harlan.best@state.sd.us
terri.labriebaker@state.sd.us

DAVID ARMEY
VERIZON WIRELESS
750 S.H. 121 BYPASS
LEWISVILLE TX 75067
David.armey1@verizonwireless.com

MR DAVID A GERDES
ATTORNEY AT LAW
MAY ADAM GERDES & THOMPSON LLP
PO BOX 160
PIERRE SD 57501-0160
dag@magt.com

DENNIS LAW
REGIONAL MANAGER
SIOUX VALLEY TELEPHONE COMPANY
PO BOX 98
DELL RAPIDS SD 57022-0098
dlaw@siouxvalley.net

MS DARLA POLLMAN ROGERS
MS MARGO NORTHRUP
ATTORNEY AT LAW
RITER, ROGERS, WATTIER & BROWN, LLP
P.O. BOX 280
PIERRE, SD 57501-0280
dprogers@riterlaw.com
m.northrup@riterlaw.com

MR. BEN H. DICKENS, JR.
MS MARY SISAK
ATTORNEY AT LAW
2120 L STREET N.W., SUITE 300
WASHINGTON, DC 20037
bhd@bloostonlaw.com
mjs@bloostonlaw.com

MR BRETT M KOENECKE
ATTORNEY AT LAW
MAY ADAM GERDES & THOMPSON LLP
PO BOX 160
PIERRE SD 57501-0160
koenecke@magt.com

MR. RICHARD J. HELSPER
ATTORNEY AT LAW
GLOVER & HELSPER, P.C.
415 EIGHTH STREET SOUTH
BROOKINGS, SD 57006
rjh1@brookings.net

MR. BRET LAWSON
SPRINT NEXTEL CORP.
MAILSTOP: KSOPHN0304-3B511
6450 SPRINT PARKWAY
OVERLAND PARK, KS 66251

bret.lawson@sprint.com
DIANE C. BROWNING
SPRINT COMMUNICATIONS COMPANY
MAILSTOP: KSOPHN0212-2A411
6450 SPRINT PARKWAY
OVERLAND PARK, KS66251
diane.c.browning@sprint.com

MR. JAMES ADKINS
TECHNICAL AND NETWORK OPERATIONS
MANAGER
SWIFTEL COMMUNICATIONS
415 FOURTH STREET
P. O. BOX 588
BROOKINGS, SD 57006-0588
jadkins@swiftel.net



Talbot J. Wiczorek