

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

**IN THE MATTER OF THE PETITION OF)
BROOKINGS MUNICIPAL UTILITIES D/B/A)
SWIFTEL COMMUNICATIONS FOR APPROVAL) TC 08-103
OF A PARTIAL RELINQUISHMENT OF ITS)
DESIGNATION AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER)**

MOTION

Brookings Municipal Utilities d/b/a Swiftel Communications (Swiftel) hereby asks the Commission to issue an order finding that Swiftel’s transaction with Crossroads Wireless, Inc. (Crossroads) was not completed and, therefore, Swiftel’s Eligible Telecommunications Carrier (ETC) designation has not been partially relinquished. In support of its Motion, Swiftel states as follows:

On August 11, 2008, Swiftel filed with the Commission a Petition to Partially Relinquish its Designation as an Eligible Telecommunications Carrier. Swiftel’s request was the result of its agreement to assign to Crossroads a substantial portion of its FCC licenses, wireless system and related assets. Swiftel requested authority to amend the scope of its ETC designation to exclude the areas it would no longer serve when the transaction with Crossroads was completed.

The Commission granted Swiftel’s request on October 3, 2008. The Commission ordered “that Swiftel’s Petition to Partially Relinquish its Designation as an Eligible Telecommunications Carrier for the areas described on Exhibits A and B is hereby approved, effective when the transaction with Crossroads is completed.”

On February 20, 2009, Crossroads filed for bankruptcy with U.S. Bankruptcy Court for the Western District of Oklahoma (Oklahoma City). On May 5, 2009, the Bankruptcy Court issued its' order requiring that the Debtor must assume or reject the purchase contract between the Debtor and Swiftel no later than 4:00 on May 22, 2009. No action was taken by the Debtor, and the purchase contract was deemed rejected consistent with such Order. The effect of such Order is that the agreement between Swiftel and Crossroads for the assignment of a portion of Swiftel's FCC licenses, wireless system and related assets is terminated. Accordingly, Swiftel will not assign any of its licenses, wireless system and related assets to Crossroads. Further, Swiftel will continue to operate in the entire area in which it is designated an ETC.

Based on the foregoing, Swiftel asks the Commission to issue an order, as appropriate, finding that Swiftel's transaction with Crossroads was not completed and, therefore, Swiftel's ETC designation has not been partially relinquished.

DATED this 7th day of August, 2009.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 7th day of August, 2009, a copy of this **Motion** was served via electronic mail and by U.S. Mail, postage prepaid, to the following:

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