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VIA EMAIL TO PATTY.VANGERPEN@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: *TC08-135*
*In the Matter of the Complaint of Orbitcom, Inc. Against Verizon Business Network
Services, Inc. for Unpaid Access Charges*

Dear Ms. Van Gerpen:

Attached for filing in the above matter, please find OrbitCom's Reply to Amended Counterclaim.

As indicated above, this document has been sent to you via electronic mail in PDF form. If you have any questions or concerns regarding this document, please do not hesitate to contact me.

Best regards.

Sincerely,

CUTLER & DONAHOE, LLP



Meredith A. Moore
For the Firm

MAM/cmc
Attachment
cc: Service List

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

IN THE MATTER OF THE COMPLAINT
OF ORBITCOM, INC. AGAINST MCI
COMMUNICATIONS SERVICES, INC.
D/B/A VERIZON BUSINESS SERVICES
AND TELECONNECT LONG DISTANCE
SERVICES & SYSTEMS COMPANY D/B/A
TELECOM*USA FOR UNPAID ACCESS
CHARGES

TC08-135

**ORBITCOM'S REPLY TO
AMENDED COUNTERCLAIM**

COMES NOW OrbitCom, Inc. ("OrbitCom"), by and through its counsel, and hereby submits the following Reply to Amended Counterclaim filed against it by MCI Communications Services, Inc. d/b/a Verizon Business Services and Teleconnect Long Distance Services & Systems Company d/b/a Telecom*USA (collectively referred to as "Verizon").

1. Except as expressly admitted, qualified or otherwise answered, OrbitCom denies each and every allegation in Verizon's Counterclaims.
2. As to Paragraphs 1 and 2 of Verizon's Counterclaim, OrbitCom denies the same and remits Verizon to strict proof thereof. In addition, any determination of the legitimacy of OrbitCom's access services and application of its percent interstate usage ("PIU") factor are issues for determination as a matter of law by the appropriate trier of fact, and OrbitCom therefore denies the same and remits Verizon to strict proof thereof.
3. As to Paragraphs 3 and 4 of Verizon's Counterclaim, OrbitCom denies the same and remits Verizon to strict proof thereof. In addition, any determination of the application and interpretation of OrbitCom's tariff is an issue for determination as a matter of law by the appropriate trier of fact, and OrbitCom therefore denies the same and remits Verizon to strict proof thereof.

4. As to Paragraph 5 of Verizon's Counterclaim, OrbitCom denies the same and remits Verizon to strict proof thereof.

5. As to Paragraph 6 of Verizon's Counterclaim, OrbitCom denies the same and remits Verizon to strict proof thereof. OrbitCom further affirmatively states that Verizon did not file a proper dispute of its invoices pursuant to the terms of OrbitCom's tariffs and pursuant to industry practice. OrbitCom further affirmatively states that any dispute advanced by Verizon is untimely.

6. As to Paragraphs 7 and 8 of Verizon's Counterclaim, OrbitCom denies the same and remits Verizon to strict proof thereof. In addition, any determination of damages sustained by Verizon in this case, which OrbitCom submits is none, is an issue for determination as a matter of law by the appropriate trier of fact, and OrbitCom therefore denies the same and remits Verizon to strict proof thereof.

WHEREFORE, OrbitCom prays that the Counterclaims of Verizon be dismissed and that OrbitCom have judgment as set forth in his Complaint.

Dated this 27th day of July, 2009, in Sioux Falls, South Dakota.

CUTLER & DONAHOE, LLP
Attorneys at Law


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served electronically on the 27th day of July, 2009, upon the following:

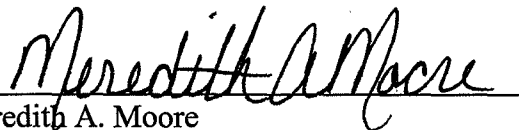
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