

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

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IN THE MATTER OF THE COMPLAINT	)	TC10-096
OF MIDCONTINENT COMMUNICATIONS,	)	
KNOLOGY OF THE PLAINS, INC., AND	)	
KNOLOGY OF THE BLACK HILLS, LLC,	)	REPLY TO
AGAINST MCI COMMUNICATIONS	)	COMPLAINANTS' REQUEST
SERVICES, INC. D/B/A VERIZON	)	FOR PROCEDURAL SCHEDULE
BUSINESS SERVICES FOR UNPAID	)	
ACCESS CHARGES	)	
	)	

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MCI Communications Services, Inc. d/b/a Verizon Business Services (“Verizon”), by and through its counsel of record, files this reply to the Request for Procedural Schedule (“Request”) filed by Midcontinent Communications (“Midcontinent”), Knology of the Plains, Inc., and Knology of the Black Hills, LLC (together, “Knology”; collectively, “Complainants”) on December 27, 2010.

The schedule put forth by counsel for the Complainants is unduly aggressive and not practical for the Commission or the parties to hear this dispute. Specifically, there is no provision for prefiled testimony, no provision for a second round of discovery, and no provision that the facts of the case be fully heard prior to the filing and hearing of dispositive motions. All three of those considerations are critical for this matter to be properly heard and decided.

This case as pled by the parties is heavily fact-intensive on both sides of the case, and those facts are highly technical in nature. Prefiled testimony will be necessary to a complete and thorough explanation and understanding of the facts. Those facts will be required to determine, in the first instance, whether and to what extent a jurisdictional issue exists, and if so, for the Commission to make an informed ruling on that issue after an appropriate motion.

Verizon offers the following proposal which is more in line with commission procedural practice and the specific needs and requirements of this case.

First discovery Jan 14<sup>th</sup>

Answers Feb 14<sup>th</sup>

Second Discovery Feb 25<sup>th</sup>

Answers Due March 25<sup>th</sup>

Prefiled Testimony April 15<sup>th</sup> (Friday)

Rebuttal Testimony May 16<sup>th</sup>

Hearing in late May, perhaps the 25<sup>th</sup> and 26<sup>th</sup>

Motions/briefs on dispositive motions due 4 weeks after, perhaps June 22<sup>nd</sup>

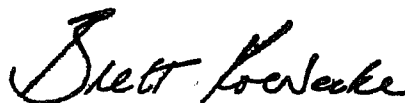
Replies to same due 2 weeks after, perhaps July 6<sup>th</sup>

Argument on dispositive motion, if any, July 12<sup>th</sup>

Decision July 26<sup>th</sup>

Dated December 30, 2010.

MAY, ADAM, GERDES & THOMPSON LLP



BY: \_\_\_\_\_

BRETT KOENECKE

Attorneys for MCI Communications Services, Inc.

d/b/a Verizon Business Services

503 S. Pierre Street

PO Box 160

Pierre, SD 57501

(605) 224-8803

## CERTIFICATE OF SERVICE

Brett Koenecke of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 30 day of December, 2010, he mailed by United States mail, first class postage thereon prepaid, a true and correct copy of the foregoing in the above captioned action to the following at their last known addresses:

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

MS KARA SEMMLER  
STAFF ATTORNEY  
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION  
500 EAST CAPITOL  
PIERRE SD 57501  
[kara.semmler@state.sd.us](mailto:kara.semmler@state.sd.us)

MS BOBBI BOURK  
STAFF ANALYST  
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION  
500 EAST CAPITOL  
PIERRE SD 57501  
[bobbi.bourk@state.sd.us](mailto:bobbi.bourk@state.sd.us)

MS KATHYRYN FORD  
ATTORNEY AT LAW  
DAVENPORT EVANS HURWITZ & SMITH LLP  
PO BOX 1030  
SIOUX FALLS SD 57104  
[kford@dehs.com](mailto:kford@dehs.com)

CT CORPORATION SYSTEM  
319 S COTEAU STREET  
PIERRE SD 57501



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BRETT KOENECKE