

BEFORE THE PUBLIC UTILITIES
COMMISSION OF THE STATE OF SOUTH DAKOTA

| | | |
|-----------------------------|---|--------------------------|
| IN THE MATTER OF THE |) | DOCKET NO. TC12-184 |
| APPLICATION OF COMMON |) | |
| POINT LLC FOR A CERTIFICATE |) | JOINT STIPULATION OF THE |
| OF AUTHORITY TO PROVIDE |) | PARTIES RESOLVING ALL |
| LOCAL EXCHANGE SERVICES |) | ISSUES |
| IN SOUTH DAKOTA |) | |

Come now, the parties in the above-entitled action, Kara Semmler of May, Adam, Gerdes & Thompson, counsel for Common Point, LLC ("Common Point"), Darla Pollman Rogers of Riter, Rogers, Wattier & Northrup, LLP, counsel for Intervenor South Dakota Network, LLC ("SDN"), and Richard Coit, counsel for Intervenor South Dakota Telecommunications Association ("SDTA"), and hereby submit this joint stipulation to the Commission:

1. SDN and SDTA have agreed to the issuance of Common Point, LLCs requested Certificate of Authority as long as the Order issuing the Certificate of Authority incorporates the following agreement of the parties:

The parties agree that the Certificate of Authority granted by the Commission to Common Point would authorize Common Point to offer its services statewide throughout South Dakota. However, with respect to rural telephone companies, Common Point agrees that it would not provide local exchange telecommunications services directly to end user residential and business customers of rural telephone companies. The local exchange telecommunications services in rural telephone company service areas excluded from this certification include but are not limited to the direct provisioning of telephone exchange service, switched access telecommunications services, special access telecommunications services, and dedicated trunking facilities to either residential or business end user customers in rural telephone company service areas. The Commission Order related to Common Point's request for local service authority would provide that with respect to rural telephone companies, Common Point would have to come

before the Commission in another proceeding before being able to directly provide any local exchange telecommunications services to either residential or business end user customers in rural telephone company service areas. In such subsequent proceeding, the provisions of 47 U.S.C. § 253(f), SDCL § 49-31-73, and the Commission's administrative rules, which allow the Commission to require a company that seeks to provide service in a rural service area to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier, would apply. In addition, the granting of authority to Common Point to offer its services statewide will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f).

In recognition of the centralized equal access configuration in South Dakota, Common Point agrees to deliver all interexchange traffic originating from and terminating to any customers of SDN's member company ILECs and affiliated CLECs via the SDN tandem switch in Sioux Falls, South Dakota. Nothing contained herein shall be construed as a limitation of any rights granted to SDN pursuant to the FCC Order in File No. W-P-C-6486, or in South Dakota Public Utilities Commission Order F3860.

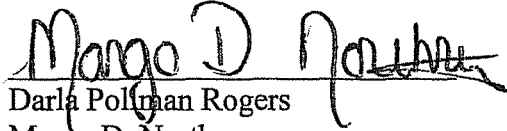
2. With this agreement of the parties, the parties request the Commission proceed to approval of the Certificate of Authority with the parties' agreed upon limitations.

Dated this 10 day of ^{January 2013}~~December~~, 2012.




Ms. Kara Semmler - Representing:
Common Point LLC
May, Adam, Gerdes & Thompson.
PO Box 160
Pierre SD 57501-0160
kcs@magt.com
(605) 224-8803 - voice
(605) 224-6289 - fax

Dated this 11 day of December, 2012.



Darla Pollman Rogers
Margo D. Northrup
Riter, Rogers, Wattier, & Northrup, LLP
PO Box 280
Pierre SD 57501
Attorney for SDN

Dated this 14th day of January, 2012.



Richard Coit
South Dakota Telecommunications
Association (SDTA)
320 East Capitol Avenue
PO Box 57
Pierre, SD 57501
richcoit@sdtaonline.com
(605) 224-7629 – voice
(605) 224-1637 - fax