

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

IN THE MATTER OF THE PETITIONS OF ) ARMOUR INDEPENDENT TELEPHONE ) COMPANY, BRIDGEWATER-CANISTOTA ) INDEPENDENT TELEPHONE COMPANY, ) GOLDEN WEST TELECOMMUNICATIONS ) COOPERATIVE, INC., KADOKA TELEPHONE ) COMPANY, SIOUX VALLEY TELEPHONE ) COMPANY, UNION TELEPHONE COMPANY ) AND VIVIAN TELEPHONE COMPANY FOR ) ARBITRATION PURSUANT TO THE ) TELECOMMUNICATIONS ACT OF 1966 TO ) RESOLVE ISSUES RELATING TO ) INTERCONNECTION AGREEMENTS WITH ) WWC LICENSE L.L.C. )	ORDER SETTING PROCEDURAL SCHEDULE; ORDER FOR AND NOTICE OF HEARING  TC06-036 TC06-037 TC06-038 TC06-039 TC06-040 TC06-041 TC06-042
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On May 3, 2006, Armour Independent Telephone Company, Bridgewater-Canistota Independent Telephone Company, Golden West Telecommunications Cooperative, Inc., Kadoka Telephone Company, Sioux Valley Telephone Company, Union Telephone Company and Vivian Telephone Company (Companies) filed petitions for arbitration of certain unresolved terms and conditions of proposed Interconnection Agreements between Companies and WWC License L.L.C. (WWC), pursuant to Section 252 of the Telecommunications Act of 1996, SDCL 49-31-81, and ARSD 20:10:32:29. Companies filed a list of unresolved issues consisting of: (1) Is the reciprocal compensation rate for Local Traffic proposed by Companies appropriate pursuant to 47 U.S.C. Section 252(d)(2)? (2) What is the appropriate Percent InterLATA Use factor to be applied to non-local traffic exchanged between the parties? (3) What is the appropriate manner by which the minutes of use of Local Traffic terminated by the parties, one to the other, should be calculated and billed? Companies "respectfully request that the Commission grant the following relief: A. Order arbitration of any unresolved issues between [Companies] and WWC; B. Issue an order directing [Companies] and WWC to submit to the Commission for approval an interconnection agreement reflecting: (i) the agreed-upon language in Exhibit A and (ii) the resolution in this arbitration proceeding of any unresolved issues in accordance with the recommendations made by [Companies] herein, at the hearing on such issues and in Exhibit A; C. Order the parties to pay interim compensation for transport and termination of telecommunications traffic from January 1, 2006 (the Effective Date set forth in Exhibit A) to the date on which the Commission approves the parties' executed interconnection agreement in accordance with Section 252(e) of the Act [footnote omitted]; D. Retain jurisdiction of this arbitration until the parties have submitted an executed interconnection agreement for approval by the Commission in accordance with Section 252(e) of the Act; and E. Take such other and further action as it deems necessary and appropriate." In accordance with ARSD 20:10:32:30, a non-petitioning party may respond to the petition for arbitration and provide additional information within 25 days after the Commission receives the petition. On May 15, 2006, the Commission received Motions for

Consolidation from Companies. On May 30, 2006, the Commission received a Response of WWC to Petitions of Arbitration of the Golden West Companies.

By order dated June 5, 2006, the Commission granted the Motions for Consolidation and assessed a deposit on the parties not to exceed \$75,000.00, pursuant to SDCL 49-31-44. By conference call held on May 25, 2006, the parties agreed to the following procedural schedule:

With regard to all dates herein provided for the exchange of information between the parties or the filing of information with the Commission, all such exchanges or filings shall occur prior to 5:00 p.m. CST or CDT, as applicable;

On or before June 12, 2006, the first round of discovery requests shall be served by all parties and responses shall be due on or before June 30, 2006;

On or before July 10, 2006, the second round of discovery requests shall be served by all parties and responses shall be due on or before July 31, 2006;

Discovery requests and responses shall not be filed with the Commission unless necessary in connection with a motion to compel or if introduced as a hearing exhibit;

On or before August 11, 2006, all parties shall serve and file direct testimony, including exhibits;

On or before September 5, 2006, all parties shall serve and file rebuttal testimony, including exhibits;

No witness shall be allowed to testify at the hearing unless that witness has prefiled testimony pursuant to this procedural schedule with the exception of witnesses offering live testimony regarding issues first raised in rebuttal testimony. Such testimony shall not be duplicative of prefiled testimony. In the event that a party determines that it will present testimony in response to rebuttal testimony from one or more witnesses that have not prefiled testimony, the names and personal résumés of such witnesses, and a general description of the facts and testimony to be offered by such witnesses shall be provided to the other party and the Commission not later than September 11, 2006;

Exhibits offered through a Party's witness shall be attached to prefiled testimony. Any exhibit that may be used on cross-examination shall be disclosed to the other party on or before September 13, 2006 by 12:00 p.m. CDT, with a copy provided upon request;

Documents served or filed are served on the date they are received. All documents shall be served by email, in .pdf format, and service by email is effective when received. In addition to filing electronically, a filing party shall provide the Commission with one paper copy of each document filed;

The hearing shall be held on September 18-21, 2006, in Room 412 of the State Capitol Building, Pierre, South Dakota. The hearing will begin at 9:00 a.m. CDT on September 18<sup>th</sup>. Parties shall arrive to mark exhibits by 8:00 a.m.

The parties shall simultaneously serve and file post hearing briefs on or before October 30, 2006, along with proposed language for the disputed issues in the interconnection agreement. The parties shall simultaneously serve and file reply briefs on or before November 15, 2006.

The Commission shall issue its decision resolving the issues in the arbitration on or before December 31, 2006. The decision shall establish a procedure and schedule for filing a conformed arbitrated agreement for consideration by the Commission. The Commission's resolution of the issues presented in the arbitration shall not be according to "final offer" or "baseball" arbitration in which the Commission must accept the final offer of one or the other party, but rather shall be according to "traditional" arbitration in which the Commission may resolve issues presented as it determines to be proper consistent with the facts presented and applicable legal requirements.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, including 49-31-3 and 49-31- 81, and 47 U.S.C. sections 251 and 252. The Commission may rely upon any or all of these or other laws of this state in making its determination.

This issues to be determined by the Commission are the issues set forth by the Companies in their Petitions for Arbitration and the issues as set forth by WWC in its Response to the Petitions for Arbitration. These issues are hereby incorporated by reference.

The hearing will be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All persons testifying will be subject to cross-examination by the parties. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights may be forfeited if not exercised at the hearing. If a party or its representative fails to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission will resolve issues listed in the Companies' Petitions for Arbitration and WWC's Response to Petitions

for Arbitration and order any appropriate relief. The Commission's Final Decision may be appealed by the parties as provided by law. It is therefore

ORDERED, that the parties shall follow the procedural schedule as set forth above; and it is

FURTHER ORDERED, that a hearing shall be held at the time and place specified above.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 9<sup>th</sup> day of June, 2006.

<b>CERTIFICATE OF SERVICE</b>	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u><i>Delaine Kelbo</i></u>
Date:	<u>6/9/06</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

*Robert K. Sahr*  
ROBERT K. SAHR, Chairman

*Dustin M. Johnson*  
DUSTIN M. JOHNSON, Commissioner *DK*

*Gary Hanson*  
GARY HANSON, Commissioner