

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

IN THE MATTER OF THE PETITION OF )	ORDER GRANTING
VENTURE COMMUNICATIONS COOPERATIVE )	INTERVENTION
FOR ARBITRATION PURSUANT TO THE )	
TELECOMMUNICATIONS ACT OF 1996 TO )	TC06-159
RESOLVE ISSUES RELATING TO AN )	
INTERCONNECTION AGREEMENT WITH )	
ALLTEL COMMUNICATIONS, INC. )	

On September 14, 2006, Venture Communications Cooperative (Venture) filed a petition for arbitration of certain unresolved terms and conditions of a proposed Interconnection Agreement between Venture and Alltel Communications, Inc. (Alltel), pursuant to Section 252 of the Telecommunications Act of 1934, as amended (the Act) (47 U.S.C. Section 252), SDCL 49-31-81, and ARSD 20:10:32:29. Venture filed a list of unresolved issues consisting of: (1) the definition of InterMTA Tariff, (2) the definition of Third Party Provider, (3) the definition of Wireline Local Calling Area, (4) ISP bound traffic, (5) Resale of Service, (6) concerning interconnection facilities between the Parties, (7) SS7 Messages, (8) concerning land to mobile traffic-direct interconnection, (9) Dialing Parity, (10) Telecommunications Traffic, (11) InterMTA Traffic, (12) Venture Provided Direct Interconnection Facilities, (13) Bill and Keep, (14) Billing and Payment, (15) Regulatory Approval, and (16) Rates and Factors. Venture "respectively requests that the Commission grant the following relief: 1. Order arbitration of the unresolved issues identified in this Petition between Venture and Alltel; 2. Issue an order directing Venture and Alltel to submit to the Commission for approval an interconnection agreement reflecting: (i) the agreed-upon language in Exhibit 1 and (ii) the resolution in this arbitration proceeding of any unresolved issues in accordance with the recommendations made by Venture herein, at the hearing on such issues, and in Exhibit 1; 3. 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 1) to the date on which the Commission approves the Parties' executed Agreement in accordance with Section 252(e) of the Act; 4. Retain jurisdiction of this arbitration until the Parties have submitted an executed interconnection agreement for approval by the Commission; and 5. 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 October 6, 2006, the Commission received a Petition to Intervene from the South Dakota Telecommunications Association (SDTA). On October 10, 2006, the Commission received a Response of Alltel Communications, Inc. to Petition for Arbitration of Venture Communications Cooperative.

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.

At its October 19, 2006, meeting, the Commission considered this matter. In its letter dated October 16, 2006, WWC stated that it would not object to the intervention of SDTA, subject to certain restrictions that had been agreed to by WWC and SDTA. The restrictions are that SDTA will not participate in any prehearing discovery, will call no witnesses at the hearing, will not cross-examine any witnesses called by Venture, and SDTA's cross-examination of any WWC witnesses will not be redundant of Venture's counsel's examination. In addition, if requested to by counsel for Venture, SDTA would be allowed to direct a witness of Venture with the understanding that Venture's counsel would not then submit additional direct on that witness. SDTA would be able to be present at all hearings and motions and have the right to argue and brief procedural and substantive matters, including final briefing. With these restrictions, the Commission voted to grant intervention to SDTA.

It is therefore

ORDERED, that SDTA's Petition to Intervene is granted, subject to the restrictions as agreed to by SDTA and WWC.

Dated at Pierre, South Dakota, this 31<sup>st</sup> day of October, 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>Melaine Kolbo</u>
Date: <u>10/31/06</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr  
ROBERT K. SAHR, Chairman

Dustin M. Johnson  
DUSTIN M. JOHNSON, Commissioner

Gary Hanson  
GARY HANSON, Commissioner