

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

IN THE MATTER OF THE PETITION OF)	ORDER GRANTING
BROOKINGS MUNICIPAL UTILITIES D/B/A)	INTERVENTION
SWITTEL COMMUNICATIONS FOR)	
SUSPENSION OR MODIFICATION OF DIALING)	TC07-007
PARITY, NUMBER PORTABILITY AND)	
RECIPROCAL COMPENSATION)	
OBLIGATIONS)	

On January 30, 2007, Brookings Municipal Utilities d/b/a Swifitel Communications (Swifitel) filed a Petition for Suspension or Modification of Local Dialing Parity, Number Portability and Reciprocal Compensation Obligations. In its Petition, Swifitel states that it requests the Commission grant a suspension or modification of 47 U.S.C. Sections 251(b)(2), (3) and (5) of the Communications Act of 1934, as amended. "Swifitel requests modification of the local number portability requirement such that it is not required to implement wireline local number portability until 4 months after a competitive LEC is certified to provide local service in Swifitel's service territory. Swifitel also requests modification of the local number portability requirement such that Swifitel is not required to transport ported numbers beyond its service territory. Swifitel requests modification of the dialing parity requirement such that Swifitel is not required to provide local dialing and it is not required to transport traffic outside of its service territory. Swifitel also requests modification of the toll dialing parity requirement such that Swifitel is not required to perform the equal access function at the end office or establish access traffic transport facilities other than the common trunks to South Dakota Network (SDN). Swifitel also asks the Commission to modify any requirement that Swifitel would not be able to collect access charges for toll traffic. Swifitel requests a modification of the reciprocal compensation requirements such that it is not required to pay reciprocal compensation on traffic terminating to a wireless carrier within the MTA that is handed off to an IXC in accordance with Swifitel's wireline local calling areas. Swifitel also requests immediate temporary suspension of the 251(b)(2), (3) and (5) requirements as described [in its Petition] pending this Commission's consideration of this request."

On February 1, 2007, the Commission electronically transmitted notice of the filing and the intervention deadline of February 16, 2007, to interested individuals and entities. On February 12, 2007, the Commission received Petitions to Intervene from Alltel Communications, Inc. (Alltel) and Sprint Communications Company L.P. (Sprint). On February 14, 2007, the Commission received a Petition to Intervene from Midcontinent Communications (Midcontinent). On February 15, 2007, the Commission received a Petition to Intervene from South Dakota Network, LLC (SDN). On February 16, 2007, the Commission received Petitions to Intervene from MCC Telephony of the Midwest, Inc. d/b/a Mediacom (MCC) and South Dakota Telecommunications Association (SDTA). On March 5, 2007, the Commission received an Opposition of Brookings Municipal Utilities d/b/a Swifitel Communications to Petition to Intervene filed by Midcontinent Communications. On March 9, 2007, the Commission received Midcontinent's Reply to Swifitel's Opposition to Midcontinent's Intervention Petition. On March 13, 2007, the Commission received a Withdrawal of Opposition of Brookings Municipal Utilities d/b/a Swifitel Communications to Petition to Intervene filed by Midcontinent Communications.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31 and ARSD 20:10:01:15.05.

At a regularly scheduled meeting of March 13, 2007, the Commission found that the Petitions to Intervene demonstrated good cause to grant intervention. It is therefore

ORDERED, that the Petitions to Intervene of Alltel, Sprint, Midcontinent, SDN, MCC and SDTA are hereby granted.

Dated at Pierre, South Dakota, this 30th day of March, 2007.

CERTIFICATE OF SERVICE
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>Alaine Kalbo</u>
Date: <u>3/30/07</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Gary Hanson
GARY HANSON, Commissioner

Steve Kolbeck
STEVE KOLBECK, Commissioner