

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

IN THE MATTER OF THE PETITION OF)	ORDER GRANTING MOTION
SPRINT COMMUNICATIONS COMPANY L.P.)	TO WITHDRAW
FOR ARBITRATION PURSUANT TO THE)	
TELECOMMUNICATIONS ACT OF 1996 TO)	TC06-175
RESOLVE ISSUES RELATING TO AN)	
INTERCONNECTION AGREEMENT WITH)	
INTERSTATE TELECOMMUNICATIONS)	
COOPERATIVE, INC.)	

On October 16, 2006, Sprint Communications Company L.P. (Sprint) filed a petition to arbitrate, pursuant to SDCL 49-31-81 and ARSD 20:10:32:29-32, and Section 252(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996), certain terms and conditions of a proposed Interconnection Agreement between Sprint and Interstate Telecommunications Cooperative, Inc. (ITC). Sprint filed a list of unresolved issues consisting of: (1) Should the definition of End User in this Agreement include end users of a service provider for which Sprint provides interconnection, telecommunications services or other telephone exchange services? (2) Should the Interconnection Agreement permit the parties to combine wireless and wireline traffic on interconnection trunks? (3) Should the Interconnection Agreement permit the parties to combine all traffic subject to reciprocal compensation charges and traffic subject to access charges onto interconnection trunks? (4) Should the Interconnection Agreement contain provisions for indirect interconnection consistent with Section 251(a) of the Act? (5) In an indirect interconnection scenario, is the ILEC responsible for any facility or transit charges related to delivering its originating traffic to Sprint outside of its exchange boundaries? (6) What direct interconnection terms should be contained in the Interconnection Agreement? (7) What are the appropriate rates for direct interconnection facilities? (8) When a two-way interconnection facility is used, should Sprint and Interstate share the cost of the interconnection facility between their networks based on their respective percentages of originated traffic? (9) What is the appropriate reciprocal compensation rate for the termination of telecommunications traffic, as defined by Sprint in the Agreement? (10) Should Sprint's proposed language regarding Local Number Portability be adopted and incorporated into the Interconnection Agreement? (11) Should the Interstate-proposed Directory Listing provisions, as modified by Sprint, be adopted and incorporated into the Interconnection Agreement? Sprint respectfully requests the Commission to arbitrate each of the remaining disputes between Sprint and Interstate, to find in Sprint's favor and to adopt Sprint's proposed contract language. 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 19, 2006, the Commission electronically transmitted notice of the filing and the intervention deadline of November 10, 2006, to interested individuals and entities. On October 30, 2006, the Commission received a Joint Motion of Interstate Telecommunications Cooperative, Inc. and Brookings Municipal Utilities d/b/a Swiftel Communications for Deferral of Hearing on Sprint Communications Company's Request for Consolidation. On November 3, 2006, the Commission received a Petition to Intervene from South Dakota Telecommunications Association (SDTA). On November 13, 2006, the Commission received Sprint's Opposition to SDTA's Petition to Intervene

and Response of Interstate Telecommunications Cooperative, Inc. to the Petition for Arbitration and Request for Consolidation of Sprint Communications Company L.P. At its November 14, 2006, meeting, the Commission deferred SDTA's request for intervention and the request to consolidate Dockets TC06-175 and TC06-176.

At its November 28, 2006, meeting, the Commission considered the setting of a procedural schedule. An Order Setting Procedural Schedule was issued December 1, 2006.

At its December 6, 2006, meeting, the Commission denied intervention to SDTA (Commissioner Kolbeck dissented).

On January 9, 2007, ITC filed a Motion to Compel Discovery from Sprint Communications Company L.P. On January 12, 2007, Sprint filed a Response to ITC's Motion to Compel. At its January 16, 2007, meeting, the Commission considered the Motion to Compel. On January 18, 2007, the Commission issued its decision on the Motion to Compel. On January 26, 2007, the Commission received a Petition for Reconsideration from SDTA. On February 9, 2007, the Commission received a Response to SDTA's Petition for Reconsideration and Clarification from Sprint.

On February 12, 2007, the Commission issued an Order for and Notice of Hearing setting this matter for hearing on February 27 and 28, 2007. On February 21, 2007, the Commission issued an order clarifying SDTA's participation in this docket. On February 22, 2007, the Commission received a Joint Motion of Interstate Telecommunications Cooperative, Inc., Brookings Municipal Utilities d/b/a Swiftel Communications and Sprint Communications L.P. for Delay of Hearings on Sprint Communications Company's Petitions for Arbitration. The parties agreed that the hearing should be postponed. The hearing was continued. On March 30, 2007, the Commission issued a Second Order for and Notice of Hearing; Amended Procedural Schedule setting this matter for hearing on April 26 and 27, 2007. On April 17, 2007, the Commission Received a Stipulation and Agreement for Delay of Hearing from ITC. The hearing was continued. On May 31, 2007, the Commission received a Joint Motion for Delay of Hearing from ITC. In the Joint Motion, the parties agreed that the opening of the arbitration window will be October 10, 2007, and the closing day will be November 4, 2007. At its meeting on June 5, 2007, the Commission granted the Joint Motion for Delay of Hearing. On January 11, 2008, the Commission received a Joint Motion for Delay of Hearing. At its January 29, 2008, meeting, the Commission unanimously voted to grant the Joint Motion for Delay of Hearing. On June 26, 2008, the Commission received a Joint Motion for Delay of Hearing. On November 17, 2008, the Commission received Sprint's Motion to Withdraw.

At its November 25, 2008, Meeting, the Commission considered Sprint's Motion to Withdraw. Commission Staff recommended approval. The Commission unanimously voted to grant Sprint's Motion to Withdraw.

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. It is therefore

ORDERED, that Sprint's Motion to Withdraw is hereby granted.

Dated at Pierre, South Dakota, this 9th day of December, 2008.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>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, electronically.</p> <p>By: <u>Delaine Kolbo</u></p> <p>Date: <u>12/9/08</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner