

On November 13, 2007, the Commission received a Response of Alltel Communications, Inc. to Petition for Arbitration of McCook Cooperative Telephone Company. On November 26, 2007, the Commission received a Proposed Scheduling Order from McCook. On November 28, 2007, the Commission received a Proposed Scheduling Order Response from Alltel. On December 17, 2007, the Commission received a Stipulation for Scheduling Order and Stipulation and Confidentiality Agreement signed by the parties.

At its January 29, 2008, meeting, the Commission considered the assessment of filing fees and the Stipulation for Scheduling Order. The Commission voted to require the parties to make a deposit not to exceed \$75,000, pursuant to SDCL 49-31-44, and approved the Stipulation and Scheduling Order. The hearing in this matter is scheduled for April 23, 2008, through April 25, 2008.

On March 17, 2008, the Commission received Alltel's Motion to Compel Responses to Discovery Requests. On March 24, 2008, the Commission received a Response to Motion to Compel and Postpone Deadlines and a Motion to Extend Deadline for Filing of Direct Testimony from McCook.

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 March 25, 2008, meeting, the Commission considered the Motion to Compel Responses to Discovery Requests. After listening to the arguments of the parties, the Commission voted to grant the motion (Chairman Hanson, dissenting). The Commission found that the discovery requested appears reasonably calculated to lead to the discovery of admissible evidence. The Commission directed Staff to work with the parties regarding possible revisions to the procedural schedule.

It is therefore

ORDERED, that the Motion to Compel Responses to Discovery Requests is hereby granted.

Dated at Pierre, South Dakota, this 31st day of March, 2008.

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, electronically..	
By:	<u>Delaine Kolbo</u>
Date:	<u>3/31/08</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

GARY HANSON, Chairman, dissenting

Steve Kolbeck
STEVE KOLBECK, Commissioner

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