

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

IN THE MATTER OF THE PETITION OF ) BERESFORD MUNICIPAL TELEPHONE ) COMPANY FOR ARBITRATION PURSUANT TO ) THE TELECOMMUNICATIONS ACT OF 1996 ) TO RESOLVE ISSUES RELATING TO AN ) INTERCONNECTION AGREEMENT WITH ) ALLTEL COMMUNICATIONS, INC. )	ORDER ASSESSING FILING ) FEE; ORDER APPROVING ) STIPULATION FOR ) SCHEDULING ORDER )  TC07-113
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On October 19, 2007, Beresford Municipal Telephone Company (Beresford) filed a petition for arbitration of certain unresolved terms and conditions of a proposed Interconnection Agreement between Beresford and Alltel Communications, Inc. (Alltel), pursuant to Section 252 of the Telecommunications Act of 1996, SDCL 49-31-81, and ARSD 20:10:32:29. Beresford filed a list of unresolved issues consisting of:

- (1) Is the reciprocal compensation rate for IntraMTA Traffic proposed by Beresford appropriate pursuant to 47 U.S.C. Section 252(d)(2)?
- (2) What is the appropriate Percent InterMTA Use factor to be applied to non-IntraMTA traffic exchanged between the parties?
- (3) What is the appropriate manner by which the minutes of use of IntraMTA Traffic terminated by the parties, one to the other, should be calculated and billed?
- (4) What is the obligation of the parties with respect to dial parity?
- (5) What is the appropriate effective date and term of the Agreement?

Beresford requests the following relief:

- A. Issuance of an Order requiring arbitration of any and all unresolved Issues between Beresford and WWC;
- B. Issuance of an Order directing Beresford and Alltel to submit to this Commission for approval an interconnection agreement reflecting:
  - (i) the agreed-upon language in Exhibit A, and
  - (ii) the resolution of any unresolved issues in accordance with the positions and recommendations made by Beresford as set forth herein at the arbitration hearing to be scheduled by this Commission
- C. Issuance of an Order directing the parties to pay interim compensation for transport and termination of telecommunications traffic from January 1, 2007 (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;
- D. Issuance of an Order asserting this Commission jurisdiction over this arbitration until the parties have submitted an executed interconnection agreement for approval by this Commission in accordance with Section 252(e) of the Act;
- E. Any other, further and different relief as the nature of this matter may require or as may be just, equitable and proper to this Commission.

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 November 13, 2007, the Commission received a Response of Alltel Communications, Inc. to Petition for Arbitration of Beresford Municipal Telephone Company. On November 26, 2007, the Commission received a Proposed Scheduling Order from Beresford. 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 a 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. SDCL 49-31-44 authorizes the Commission to require a deposit of up to seventy-five thousand dollars (\$75,000) in the telecommunications investigation fund to defray Commission expenses incident to analyzing and ruling upon this type of filing. The Commission also voted to approve the Stipulation for Scheduling Order. The hearing in this matter is scheduled for April 23, 2008, through April 25, 2008.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, and 47 U.S.C. section 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 each of the parties shall deposit an initial assessment of \$1,000 in the telecommunications investigation fund and shall deposit any additional amounts as requested by the Deputy Executive Director up to the statutory limit of \$75,000; and it is further

ORDERED, that the Stipulation for Scheduling Order is approved.

Dated at Pierre, South Dakota, this 6<sup>th</sup> day of February, 2008.

<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>Christa Janschke</u>
Date:	<u>2/6/08</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson  
GARY HANSON, Chairman

Steve Kolbeck  
STEVE KOLBECK, Commissioner

Dustin M. Johnson  
DUSTIN M. JOHNSON, Commissioner