

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

IN THE MATTER OF THE PETITION OF)	ORDER CANCELLING
BERESFORD MUNICIPAL TELEPHONE)	HEARING
COMPANY FOR ARBITRATION PURSUANT TO)	
THE TELECOMMUNICATIONS ACT OF 1996)	TC07-113
TO RESOLVE ISSUES RELATING TO AN)	
INTERCONNECTION AGREEMENT WITH)	
ALLTEL COMMUNICATIONS, INC.)	

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.

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.

By order dated February 6, 2008, the hearing in this matter was scheduled for April 23 through 25, 2008. The Commission has been advised that the hearing needs to be rescheduled. It is therefore

ORDERED, that the hearing scheduled for April 23 through 25, 2008, is cancelled and will be rescheduled at a later date.

Dated at Pierre, South Dakota, this 22nd day of April, 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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u>Delaine Kolbo</u>
Date: <u>4/22/08</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Dustyn Johnson
DUSTIN M. JOHNSON, Commissioner