

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

IN THE MATTER OF THE PETITIONS FOR) SUSPENSION OR MODIFICATION OF 47) U.S.C. SECTION 251(b)(2) OF THE) COMMUNICATIONS ACT OF 1934 AS) AMENDED)	ORDER APPROVING MODIFICATIONS TO PROCEDURAL SCHEDULE TC08-006 through TC08-027
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On February 8, 2008, Petitioners filed petitions with the Public Utilities Commission (Commission) for a suspension and modification of the number portability requirement in Section 251(b)(2) of the Communications Act of 1934, as amended. Petitioners requested modification of intermodal LNP and LNP to VoIP providers concerns the transport of ported calls. Petitioners claimed that, at present, not all of the necessary transport arrangements are in place with wireless carriers and VoIP providers to properly route calls to ported local numbers. Petitioners also requested immediate temporary suspension of the Section 251(b)(2) requirement pending this Commission's consideration of this request. Petitioners respectively requested that the Commission: (A) Issue an interim order by no later than May 8, 2008, which would suspend intermodal LNP implementation pending the issuance of a final order on the separate requests for suspension and modification of the LNP requirements that are presented herein; (B) Issue a final order granting a temporary suspension of the present LNP implementation deadline of May 8, 2008, as requested herein; (C) Issue a final order granting a modification of intermodal LNP such that Petitioners will not be required to pay the costs associated with transporting traffic beyond its established local calling areas to numbers that have been ported to other carriers; and (D) Grant Petitioners such other and further relief as the Commission may deem proper.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, 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.

On June 25, 2008, the Commission received from the Petitioners a Motion for Modification of the Stipulation for Procedure Schedule. On June 27, 2008, the Commission received Alltel's Opposition to the Motion for Modification of the Stipulation for Procedure Schedule. On June 27, 2008, a conference call was held to discuss the motion. Based on the conference call, the parties to the above-listed dockets agreed to the following modifications to the procedural schedule:

Responses to discovery requests that were previously due June 30, 2008 are now due July 9, 2008;

Petitioners' direct testimony that was previously due June 30, 2008 is now due July 9, 2008; and

All other dates, except for the hearing dates, shall be continued for a similar time frame.

Another conference call was held as scheduled on July 7, 2008. Based on the conference call, the parties to the above-listed dockets agreed to further modifications of the procedural schedule. In addition, the Petitioners agreed to withdraw their Motion for Modification. The modifications as agreed to by all of the parties are as follows:

Responses to discovery requests are due July 15, 2008;

On or before July 15, 2008, Petitioners shall serve and file direct testimony, including exhibits;

Intervenors may serve additional discovery on Petitioners on or before July 22, 2008, which shall be limited to new matters in direct testimony. Petitioners shall respond to the additional discovery on or before July 29, 2008;

On or before August 5, 2008, any Intervenor may serve and file rebuttal testimony, including exhibits;

Petitioners may serve additional discovery on Intervenors on or before August 12, 2008, which shall be limited to new matters in rebuttal testimony. Intervenors shall respond to the additional discovery on or before August 19, 2008;

On or before August 26, 2008, any Petitioner shall serve and file reply testimony, including exhibits, which shall be limited to new matters in rebuttal testimony.

At its July 8, 2008, meeting, the Commission considered this matter. The Commission voted to approve the modifications to the procedural schedule as agreed to by the parties. It is therefore

ORDERED, that the modifications to the procedural schedule are hereby approved as stated above.

Dated at Pierre, South Dakota, this 9th day of July, 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>7/9/08</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Dustin Johnson
DUSTIN M. JOHNSON, Commissioner