

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

**IN THE MATTER OF THE PETITIONS FOR) ORDER FOR AND NOTICE OF
SUSPENSION OR MODIFICATION OF 47) HEARING
U.S.C. SECTION 251(b)(2) OF THE)
COMMUNICATIONS ACT OF 1934 AS) TC08-006 through TC08-027
AMENDED)**

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.

On April 23, 2008, the Commission received a Stipulation for Procedural Schedule signed by the parties. At a regularly scheduled meeting of April 22, 2008, the Commission unanimously voted to approve the Stipulation for Procedural Schedule. 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. On June 27, 2008, the Commission issued an Order Approving Modifications to Procedural Schedule.

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.

A hearing will be held on this matter beginning at 9:00 A.M. on September 4, 2008, and continuing at 8:00 A.M. on September 5, 2008, in the Floyd Matthew Training Center, 523 East Capitol, Pierre, South Dakota.

As provided in SDCL 49-31-80 and 47 U.S.C. Section 251(f)(2), the issues at the hearing will be:

- (i) whether and the extent to which the suspension of LNP requirements requested by Petitioner
 - (a) is necessary:
 - (1) To avoid a significant adverse economic impact on users of telecommunications services generally;

- (2) To avoid imposing a requirement that is unduly economically burdensome; or
 - (3) To avoid imposing a requirement that is technically infeasible; and
- (b) is consistent with the public interest, convenience, and necessity;
- (ii) if a suspension is found to be justified, what the duration of the suspension should be; and
 - (iii) whether any other relief should be granted.

The hearing will be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights will be forfeited if not exercised at the hearing. If a party or its representative fails to appear at the time and place set for the hearing, the Final Decision may be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision. As a result of the hearing, the Commission may either grant or deny the request of Petitioner to suspend the requirement of 47 U.S.C Section 251(b)(2) that it provide local number portability to requesting carriers and, if so, for what duration and subject to what conditions. The Commission's Final Decision may be appealed to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that a hearing shall be held at the time and place specified above on the issue of whether Petitioners' request to suspend its local number portability obligations under 47 U.S.C Section 251(b)(2) should be granted and, if so, for what duration and whether other relief should be granted.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 16th 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 Kalbo</u>
Date:	<u>7/16/08</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