

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

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| <b>IN THE MATTER OF THE PETITIONS FOR )</b> | <b>ORDER GRANTING REQUEST</b>    |
| <b>SUSPENSION OR MODIFICATION OF 47 )</b>   | <b>FOR FURTHER TEMPORARY</b>     |
| <b>U.S.C. SECTION 251(b)(2) OF THE )</b>    | <b>SUSPENSION</b>                |
| <b>COMMUNICATIONS ACT OF 1934 AS )</b>      |                                  |
| <b>AMENDED )</b>                            | <b>TC08-006 through TC08-027</b> |

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 22, 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 a Motion for Modification of the Stipulation for Procedure Schedule from the petitioners. 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. 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. On July 9, 2008, the Commission issued an Order Approving Modifications to Procedural Schedule. On July 16, 2008, the Commission issued an Order for and Notice of Hearing scheduling the hearing for September 4 and 5, 2008. On July 17, 2008, the Commission received a Stipulation signed by the parties.

On July 30, 2008, the Commission received a Request for Further Temporary Suspension from the petitioners. On August 5, 2008, the Commission received a Response to Request for Further Temporary Suspension.

In the Stipulation for Procedural Schedule filed April 22, 2008, the parties had agreed that exhibits that may be used on cross-examination would be provided to the other party on or before August 11, 2008. Given the changes to the other dates in the Stipulation, the parties have agreed to change this date to September 2, 2008. On August 6, 2008, the Commission issued an Order Approving Modification 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.

At a regularly scheduled meeting of August 6, 2008, the Commission considered the Request for Further Temporary Suspension. The Commission voted unanimously to grant the Request for Further Temporary Suspension according to the terms of the Request. It is therefore

ORDERED, that the Request for Further Temporary Suspension is hereby approved according to the terms of the Request.

Dated at Pierre, South Dakota, this 13<sup>th</sup> day of August, 2008.

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| <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, electronically. |
| By: <u><i>Melaine Kolbo</i></u>  |
| Date: <u>8/14/08</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