

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

**IN THE MATTER OF THE PETITION OF )  
MIDSTATE COMMUNICATIONS, INC. FOR )  
SUSPENSION OR MODIFICATION OF 47 )  
U.S.C. SECTION 251(b)(2) OF THE )  
COMMUNICATIONS ACT OF 1934 AS )  
AMENDED )**

**ORDER APPROVING  
STIPULATION**

**TC08-023**

On February 8, 2008, Midstate Communications, Inc. (Midstate) filed a petition 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. Midstate's requested modification of intermodal LNP and LNP to VoIP providers concerns the transport of ported calls. Midstate claimed that, at present, not all of Midstate's switches are LNP capable and because not all of the necessary transport arrangements are in place with wireless carriers and VoIP providers to properly route calls to ported local numbers. Midstate also requested immediate temporary suspension of the Section 251(b)(2) requirement pending this Commission's consideration of this request. Midstate 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 Midstate will not be required to pay the costs associated with transporting traffic beyond is established local calling areas to numbers that have been ported to other carriers; and (D) Grant Midstate such other and further relief as the Commission may deem proper.

On February 14, 2008, the Commission electronically transmitted notice of the filing and the intervention deadline of February 29, 2008, to interested individuals and entities. On February 29, 2008, the Commission received Petitions to Intervene from the following companies:

Midcontinent Communications (Midcontinent);  
Alltel Communications, LLC (Alltel);  
Verizon Wireless (VAW) LLC, CommNet Cellular License Holding LLC, Missouri Valley Cellular, Inc., Sanborn Cellular, Inc., and Eastern South Dakota Cellular, Inc. d/b/a Verizon Wireless (Collectively Verizon Wireless); and  
South Dakota Telecommunications Association (SDTA)

On March 24, 2008, the Commission received an Opposition of Midstate Communications, Inc. to Petition to Intervene filed by Midcontinent Communications. At a regularly scheduled meeting of March 25, 2008, the Commission granted intervention to Midcontinent, Alltel, Verizon Wireless and SDTA. On April 23, 2008, the Commission received a Stipulation for Procedural Schedule 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. 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 April 22, 2008, the Commission considered the Stipulation for Procedural Schedule. The Commission voted unanimously to approve the Stipulation for Procedural Schedule. It is therefore

ORDERED, that the Stipulation for Procedural Schedule is hereby approved.

Dated at Pierre, South Dakota, this 5<sup>th</sup> day of May, 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, electronically.
By: <u>          <i>Helaine Kalbo</i>          </u>
Date: <u>          <i>5/6/08</i>          </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