

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

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| IN THE MATTER OF THE PETITION OF) | ORDER ASSESSING FILING |
| CHEYENNE RIVER SIOUX TRIBE TELEPHONE) | FEE |
| AUTHORITY FOR ARBITRATION PURSUANT) | |
| TO THE TELECOMMUNICATIONS ACT OF) | TC08-122 |
| 1996 TO RESOLVE ISSUES RELATING TO AN) | |
| INTERCONNECTION AGREEMENT WITH) | |
| ALLTEL COMMUNICATIONS, INC.) | |

On October 21, 2008, Cheyenne River Sioux Tribe Telephone Authority (CRST) filed a petition for arbitration of certain unresolved terms and conditions of a proposed Interconnection and Reciprocal Compensation Agreement (Agreement) between CRST 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. CRST filed a list of unresolved issues consisting of:

- (1) What are the appropriate definitions to be included in the Agreement between the Parties?
 - (a) The definition of InterMTA traffic.
 - (b) The definition of Local Traffic, Telecommunications Traffic, and Third Party Provider.
 - (c) The definition of Wireline Local Calling Area.
 - (d) Other definition differences.
- (2) What is the appropriate scope of Reciprocal Compensation Traffic?
- (3) What is the appropriate treatment of ISP bound traffic?
- (4) What are the appropriate interconnection facilities between the Parties?
- (5) Is the inclusion of SS7 messages appropriate?
- (6) What is the obligation of the parties with respect to dialing parity?
- (7) Should compensation for Telecommunications Traffic be symmetrical?
- (8) What is the appropriate compensation rate for InterMTA traffic?
- (9) 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?
- (10) Are the reciprocal compensation rates for IntraMTA Traffic and the Traffic Factors proposed by CRST appropriate pursuant to 47 U.S.C. Section 252(d)(2)?
- (11) What is the appropriate time frame for bringing claims for disputes arising under the Agreement?
- (12) What is the appropriate effective date and term of the Agreement?

CRST requests the following relief:

- A. Issuance of an Order requiring arbitration of any and all unresolved issues between CRST and Alltel;
- B. Issuance of an Order directing CRST and Alltel to submit to this Commission for approval of an interconnection agreement reflecting:
 - (i) the agreed-upon issues between the parties to be included in the language of Exhibit B; and
 - (ii) the resolution of any unresolved issues in accordance with the positions and recommendations made by CRST 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 agreed to by the Parties) 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 retain jurisdiction over this arbitration until the parties have submitted an executed interconnection agreement for approval by this Commission in accordance with Section 252(e);

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 14, 2008, the Commission received a Response of Alltel Communications, Inc. to Petition for Arbitration of Cheyenne River Sioux Tribe Telephone Authority.

At its December 9, 2008, meeting, the Commission considered the assessment of filing fees. The Commission voted to require the parties to make a deposit not to exceed \$75,000, pursuant to SDCL 49-31-44. SDCL 49-31-44 authorizes the Commission to require a deposit of up to seventy-five thousand dollars (\$75,000) in the telecommunications investigation fund to defray Commission expenses incident to analyzing and ruling upon this type of filing.

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. It is therefore

ORDERED, that each of the parties shall deposit an initial assessment of \$500 in the telecommunications investigation fund and shall deposit any additional amounts as requested by the Deputy Executive Director up to the statutory limit of \$75,000.

Dated at Pierre, South Dakota, this 16th day of December, 2008.

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| 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>Allyne Kolbo</u> |
| Date: <u>12/17/08</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