

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

**IN THE MATTER OF THE APPLICATION OF
NEUTRAL TANDEM-SOUTH DAKOTA, LLC)
FOR A CERTIFICATE OF AUTHORITY TO)
PROVIDE FACILITIES-BASED AND RESOLD)
LOCAL EXCHANGE AND INTEREXCHANGE)
TELECOMMUNICATIONS SERVICES IN)
SOUTH DAKOTA)**

SCHEDULING ORDER

TC10-017

On February 11, 2010, Neutral Tandem-South Dakota, LLC (Neutral Tandem) filed an application for a Certificate of Authority to provide local exchange and interexchange services throughout South Dakota by utilizing a combination of resold services and facilities-based services (Application). Neutral Tandem intends to initially offer transport and access services for competitive carriers. On March 12, 2010, the Commission received a Petition to Intervene from South Dakota Telecommunications Association (SDTA) and from South Dakota Network (SDN), separately. At its March 23, 2010, meeting, the Commission voted unanimously to grant intervention to SDTA and SDN. The Order Granting Intervention was issued on March 30, 2010.

At its regular meeting on April 6, 2010, the Commission considered whether to grant Neutral Tandem a certificate of authority in accordance with the Application. SDTA and SDN appeared and objected on the grounds that they had raised issues that required the matter to proceed to evidentiary hearing in conformity with SDCL 49-31-72. The Commission deferred action on granting the certificate of authority, directed that the matter be set for hearing and directed that the parties confer to attempt to arrive at a procedural schedule in conformity with the time for decision set by SDCL 49-31-72. On April 12, 2010, Neutral Tandem filed a Notice of Application and Certificate of Service together with a cover letter stating that the Notice of Application had been served on all carriers holding certificates of authority to provide local exchange service in South Dakota. Commission Counsel convened a pre-hearing scheduling conference on April 15, 2010, attended by counsel for the parties and Staff.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31 and ARSD 20:10:01:15.05.

At the scheduling conference on April 15, 2010, the following procedural schedule was arrived at among the parties to conform to the Commission's directive (all dates 2010):

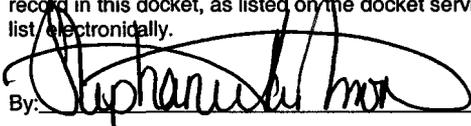
April 21	Intervenors' first set of discovery served
April 28	Neutral Tandem's first set of discovery served
May 5	Neutral Tandem's responses to Intervenors' first set of discovery served
May 7	Neutral Tandem's pre-filed direct testimony filed and served
May 12	Intervenors' responses to Neutral Tandem's first set of discovery served
May 13	Intervenors' second round discovery and Staff discovery served

- May 21 Intervenors' and Staff pre-filed direct testimony filed and served
- May 21 Neutral Tandem's responses to Intervenors' second set discovery served
- May 28 Neutral Tandem's pre-filed rebuttal testimony served
- June 1 Notices by all parties of intent to introduce evidence in direct hearing testimony in addition to what was pre-filed
- June 2 Hearing – Capitol Building, Rm. 414, 9:00 a.m. CDT, with exhibit marking at 8:30 a.m.

Because of the compressed time frames set forth in the schedule, the parties recognized the need to potentially offer evidence in their direct testimony at hearing to address issues or evidence raised by testimony or discovery responses occurring after the pre-filed direct testimony has been filed. The Commission will afford reasonable flexibility to the parties in their direct testimony at hearing in this regard provided that the parties will afford good faith notice to the other parties of their intent to offer additional direct evidence as soon as such decisions are made, but at the latest by 12:00 p.m. CDT on June 1, 2010, (the day before the hearing) to enable the other parties to prepare cross examination and responsive evidence to address such additional evidence at hearing. The above procedural schedule is not intended to preclude any motions that the parties may elect to file prior to the hearing, including any motions objecting to the completeness of the application or requesting a ruling on the commencement of the 120 day time period for action on the application due to the timing of the service of the notice required by SDCL 49-31-70, and the parties recognize that adjustments may be required to the schedule based upon the Commission's decisions on such motions. It is therefore

ORDERED, that the procedural schedule set forth above shall be followed by the parties, except as shall otherwise be stipulated by the parties or as shall otherwise be ordered by the Commission.

Dated at Pierre, South Dakota, this 20th day of April, 2010.

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></u>
Date: <u>04/20/10</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:


DUSTIN M. JOHNSON, Chairman


STEVE KOLBECK, Commissioner


GARY HANSON, Commissioner