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April 17, 2007

Ms. Patty Van Gerpen, Executive Director  
South Dakota Public Utilities Commission  
500 East Capitol Ave.  
State Capitol Building  
Pierre, SD 57501

Re: TC07-007, In the Matter of the Petition of Brookings Municipal Utilities,  
DBA Swiftel Communications for Suspension or Modificaiton of  
Dialing Parity, Number Portability and Reciprocal Compensation  
Obligations

Dear Ms. Van Gerpen:

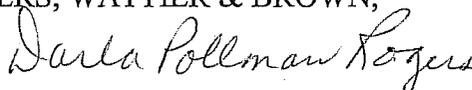
Enclosed for filing in the above referenced docket you will find the electronic original of a General Response of Intervenor, South Dakota Network, LLP, to Swiftel's Petition.

As is evidenced by the Certificate of Service attached to the Petition, service has been made to all parties.

Thank you for your assistance in filing and distributing copies of this General Response.

Very truly yours,

RITER, ROGERS, WATTIER & BROWN,  
LLP  
By:

  
Darla Pollman Rogers

DPR-WB  
Enclosure

Cc: Richard J. Helsper  
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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE PETITION OF )  
BROOKINGS MUNICIPAL UTILITIES D/B/A )  
SWIFTEL COMMUNICATIONS FOR ) TC07-007  
SUSPENSION OR MODIFICATION OF )  
DIALING PARITY, NUMBER PORTABILITY )  
AND RECIPROCAL COMPENSATION )  
OBLIGATIONS )

**GENERAL RESPONSE OF INTERVENOR, SOUTH DAKOTA  
NETWORK, LLP, TO SWIFTEL'S PETITION**

COMES NOW, the above named Intervenor, South Dakota Network, LLP ("SDN"), by and through its undersigned attorneys, and pursuant to the Commission's recent procedural schedule issued in this docket, hereby responds to Swiftel's Petition for Suspension or Modification of Dialing Parity, Number Portability and Reciprocal Compensation Obligations, as follows:

1. SDN is a limited liability company with its principal place of business at 2900 West 10<sup>th</sup> Street, Sioux Falls, South Dakota 57104. SDN provides various telecommunication services, including, but not limited to centralized equal access ("CEA") services and lease of facilities to various interexchange carriers.

2. On January 30, 2007, Brookings Municipal Utilities d/b/a Swiftel Communications (Swiftel) filed with this Commission a Petition for Suspension or Modification of its obligations to provide Local Number Portability, Dialing Parity and Reciprocal Compensation. Generally, Swiftel has requested that it not have to provide wireline local number portability until four months after a competitive LEC is certified to provide local service in Swiftel's service territory, and that in the provisioning of local number portability, Swiftel will not be required to transport ported numbers beyond its

service territory. Regarding dialing parity, Swiftel has asked for a determination that Swiftel is not required to provide local dialing with respect to inter-exchange calls and is not required to transport outside its service territory. This includes a modification of toll dialing parity requirements so Swiftel would not be required to perform equal access functions at its switch or establish access traffic transport facilities other than the common trunks to SDN. Finally, Swiftel has requested modification of its reciprocal compensation requirements so that it does not have to pay reciprocal compensation for traffic terminating to a wireless carrier within the same MTA as Swiftel when the call is handed off by Swiftel to an IXC. Swiftel has also requested immediate suspension of these obligations.

3. SDN concurs with Swiftel that it has successfully met Section 20:10:32:39 requirements and Section 251 (f)(2) requirements.

4. SDN concurs with Swiftel's request for suspension or modification of wireline to wireline LNP.

5. SDN concurs with Swiftel's request for suspension or modification of wireless local dialing parity.

6. SDN supports Swiftel's request for suspension or modification of toll dialing parity.

(a) SDN supports Swiftel's request for modification of toll dialing parity requirements so Swiftel would not be required to perform equal access functions at its switch or establish access traffic transport facilities other than the common trunks to SDN.

(b) SDN concurs with Swiftel's assessment that without modification of the toll dialing parity requirement, not only will Swiftel be adversely affected, but SDN will also be adversely affected. Without receiving the requested suspension on toll dialing parity, toll traffic will be removed from the SNN network. The removal of such toll traffic from the SDN network would adversely impact SDN and threaten the substantial public interest benefits that state and federal regulations have found to have justified the construction and operation of SDN's CEA network. Reduction in SDN's regulated CEA revenues will frustrate the public interest benefits attendant to SDN's network, as a result of stranded investment and/or upward pressure on SDN's CEA rates, which will burden other interexchange carriers who, unlike Sprint, have not yet bypassed the SDN network. If, however, additional interexchange carriers follow Sprint's lead, SDN would lose more revenues, which could lead to higher rates for the interexchange carriers. This, in turn, could encourage more interexchange carriers to remove their traffic from SDN.

7. SDN concurs with Swiftel's request for suspension or modification of its obligations to pay reciprocal compensation on traffic terminating to a wireless carrier within the MTA (intraMTA calls) that are handed off to an interexchange carrier.

8. SDN concurs with Swiftel's position that a grant of modification of LNP, dialing parity, and reciprocal compensation requirements meet the criteria of Section 251(f)(2)(A)(ii).

9. SDN concurs with Swiftel's position that immediate suspension pending consideration of its Petition is necessary to serve the public interest.

Dated this 17<sup>th</sup> day of April, 2007.

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### **Certificate of Service**

The undersigned, attorney for South Dakota Network, LLC, hereby certifies that a true and correct copy of the foregoing General Response of Intervenor, South Dakota Network, LLP, to Swiftel's Peition was sent electronically on this 17<sup>th</sup> day of April, 2007, upon:

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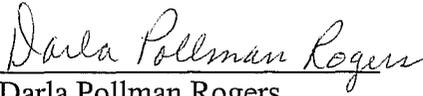
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