

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING :
BY AVENTURE COMMUNICATION :
TECHNOLOGY, L.L.C. d/b/a : DOCKET NO. TC11-010
AVENTURE COMMUNICATIONS' :
ACCESS TARIFF NO. 3 :

**AVENTURE'S PRE-FILED DIRECT TESTIMONY OF
CAREY ROESEL**

Aventure Communication Technology, L.L.C. ("Aventure") submits the following direct testimony of Carey Roesel.

Carey Roesel, after first being duly sworn on oath, testified as follows:

- 1 Q. Could you state your name.
- 2 A. Carey Roesel.
- 3 Q. And how are you employed?
- 4 A. I am Vice President and a Consultant with Technologies Management, Inc. ("TMI"),
5 2600 Maitland Center Parkway, Suite 300, Maitland, Florida 32751.
- 6 Q. What is the business of TMI?
- 7 A. TMI offers consulting services primarily to companies operating within the
8 telecommunications industry. We consult with regard to a variety of matters, including market
9 entry certification, tariff development and ongoing maintenance, intercarrier compensation
10 issues, interconnection agreements, and compliance reporting.
- 11 Q. Is TMI a consultant to Aventure?

1 A. Yes.

2 Q. How long has TMI consulted for Aventure?

3 A. TMI was initially retained by Aventure in mid-2006.

4 Q. Could you describe your educational background and your experience in the
5 telecommunications industry?

6 A. Since 1996, I have been a consultant working with competitive telecommunications
7 companies. In that capacity, I have provided assistance in market planning, rate research,
8 certification, and tariffs. Prior to joining Technologies Management, I worked in the local
9 division of Sprint. I have received a Bachelor of Arts in Economics at the University of Florida
10 and a Master of Arts in Applied Economics from the University of Central Florida.

11 Q. Has TMI assisted Aventure in the preparation of and filing of its tariffs?

12 A. TMI has assisted Aventure in the preparation of its FCC tariffs and its intrastate access
13 tariffs in Iowa, Nebraska and South Dakota.

14 Q. On March 18, 2011, Aventure filed a request with the Commission for approval of its
15 Switched Access Services Tariff No. 3. Did TMI file that request for approval for Aventure?

16 A. Yes.

17 Q. Aventure's Switched Access Services Tariff No. 3 cancels and replaces in its entirety
18 South Dakota Switched Access Services Tariff No. 2. Why did Aventure file this replacement
19 tariff?

20 A. Aventure filed this replacement tariff in order to provide for greater consistency in the
21 terms and conditions associated with its provision of interstate and intrastate switched access
22 service. The terms and conditions of this replacement tariff mirror in nearly all respects
23 Aventure's FCC Tariff No. 3 which became effective and "deemed lawful" on December 30,

1 2010. Aventure's Exhibit ____ is a copy of the FCC Public Notice approving Aventure's FCC
2 Tariff No. 3. As initially filed with the Commission, this replacement tariff differed from the
3 FCC Tariff No. 3 only with respect to references specific to interstate v. intrastate jurisdiction.

4 Q. After filing the Switched Access Services Tariff No. 3 with the Commission, has
5 Aventure filed certain amendments to that tariff?

6 A. Yes. A little background is necessary. On July 13, 2011, Aventure's FCC Tariff No. 3
7 was amended to remove that part of the definition of "End User" in Section 1 of the tariff that
8 read "an End User need not purchase any service provided by the Company". That Amendment
9 was approved by the FCC. On that same date, Aventure's intrastate tariff now pending before
10 this Commission was amended in identical fashion. Aventure's Exhibit ____ is a copy of our
11 transmittal letter to the Commission. Subsequently, on July 18, 2011, at the suggestion of
12 Commission staff, Aventure filed an Amendment to the proposed tariff stating that South Dakota
13 Statutes and Commission rules apply to the billing dispute provisions of the tariff to the extent
14 tariff language is inconsistent with those statutes or rules. Aventure's Exhibit ____ is a copy of
15 that transmittal letter.

16 Q. You are aware that the intervenors are challenging the definition of "End User" contained
17 in this tariff?

18 A. Yes.

19 Q. How would you respond to that challenge?

20 A. The term "End User" is defined in this tariff as "any person or entity that is not a carrier
21 who sends or receives an intrastate telecommunications service". The South Dakota
22 Administrative Rule 20:10:29:07 defines End User as "a customer of an intrastate
23 telecommunications service that is not a carrier...". Aventure's definition of "End User" is not in

1 conflict with the South Dakota rule. This tariff governs provision of intrastate switched access
2 service. That the FCC may have found that a different definition should apply for interstate
3 access service should not be applicable to this proceeding and this intrastate tariff in my opinion.

4 Q. One or more of the intervenors has also challenged the definition of "End User Premises"
5 as set forth in this tariff. How would you respond to that challenge?

6 A. I am not aware of any South Dakota rule or statute that would prohibit the definition of
7 "End User Premises" set forth in this tariff. Section 49-31-84 of the South Dakota Statutes
8 provides that telecommunication companies may grant incentives to meet competition. The
9 statute says this may include discounts, incentives, services or other business practices necessary
10 to meet competition. Defining "End User Premises" to include situations where the carrier has
11 made arrangements with one or more of its customers to locate customer owned equipment in the
12 carrier's central office would seem to fall under the "incentives, services, or other business
13 practices necessary to meet competition" language of the statute.

14 Q. Are you aware whether Aventure has a certificate of public convenience and necessity in
15 good standing in South Dakota?

16 A. Yes. I am aware that it does.

17 Q. When Aventure is ready to commence service of customers in South Dakota, will it need
18 to file an application to amend its certificate?

19 A. Yes. The South Dakota Administrative Rule 20:10:32:02 contemplates that a carrier like
20 Aventure would need to obtain an amended Certificate of Authority from the Commission
21 applicable to the area in which Aventure intends to provide service. That application proceeding
22 would be a matter separate from this tariff proceeding.

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on

BY: U.S. Mail FAX
 Hand Delivered Overnight Courier
 Certified Mail X ECF

/S/ PAUL D. LUNDBERG