

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

<b>IN THE MATTER OF THE PETITION OF )</b>	<b>ORDER GRANTING</b>
<b>VENTURE COMMUNICATIONS COOPERATIVE )</b>	<b>REQUEST TO USE THE</b>
<b>FOR ARBITRATION PURSUANT TO THE )</b>	<b>OFFICE OF HEARING</b>
<b>TELECOMMUNICATIONS ACT OF 1996 TO )</b>	<b>EXAMINERS</b>
<b>RESOLVE ISSUES RELATING TO AN )</b>	
<b>INTERCONNECTION AGREEMENT WITH )</b>	<b>TC06-159</b>
<b>ALLTEL COMMUNICATIONS, INC. )</b>	

On September 14, 2006, Venture Communications Cooperative (Venture) filed a petition for arbitration of certain unresolved terms and conditions of a proposed Interconnection Agreement between Venture and Alltel Communications, Inc. (Alltel), pursuant to Section 252 of the Telecommunications Act of 1934, as amended (the Act) (47 U.S.C. Section 252), SDCL 49-31-81, and ARSD 20:10:32:29. Venture filed a list of unresolved issues consisting of: (1) the definition of InterMTA Tariff, (2) the definition of Third Party Provider, (3) the definition of Wireline Local Calling Area, (4) ISP bound traffic, (5) Resale of Service, (6) concerning interconnection facilities between the Parties, (7) SS7 Messages, (8) concerning land to mobile traffic-direct interconnection, (9) Dialing Parity, (10) Telecommunications Traffic, (11) InterMTA Traffic, (12) Venture Provided Direct Interconnection Facilities, (13) Bill and Keep, (14) Billing and Payment, (15) Regulatory Approval, and (16) Rates and Factors. Venture "respectfully requests that the Commission grant the following relief: 1. Order arbitration of the unresolved issues identified in this Petition between Venture and Alltel; 2. Issue an order directing Venture and Alltel to submit to the Commission for approval an interconnection agreement reflecting: (i) the agreed upon language in Exhibit 1 and (ii) the resolution in this arbitration proceeding of the unresolved issues in accordance with the recommendations made by Venture herein, at the hearing on such issues, and in Exhibit 1; 3. Order the Parties to pay interim compensation for transport and termination of telecommunications traffic from January 1, 2006 (the Effective Date set forth in Exhibit 1) to the date on which the Commission approves the Parties' executed Agreement in accordance with Section 252(e) of the Act; 4. Retain jurisdiction of this arbitration until the Parties have submitted an executed interconnection agreement for approval by the Commission; and 5. Take such other and further action as it deems necessary and appropriate." 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 October 6, 2006, the Commission received a Petition to Intervene from South Dakota Telecommunications Association (SDTA). On October 10, 2006, the Commission received a Response of Alltel Communications, Inc. to Petition for Arbitration of Venture Communications Cooperative. At its regularly scheduled meeting of October 19, 2006, the Commission granted intervention to SDTA, subject to restrictions as agreed to by SDTA and WWC. On October 27, 2006, the Commission received a Request to Use Office of Hearing Examiners (OHE) pursuant to SDCL § 1-26-18.3 from Alltel. On October 31, 2006, the Commission received an Opposition to Request of Alltel Communications, Inc. to Use the Office of Hearing Examiners from Venture. At its October 31, 2006, meeting, the Request to Use the Office of Hearing Examiners was deferred. On November 13, 2006, the Commission received Alltel's Reply to Venture's Opposition to Use Office of Hearing Examiners.

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 its November 14, 2006, meeting, the Commission listened to oral arguments of the parties. The Commission voted to grant Alltel's request to use the OHE. The Commission finds that the amount in controversy exceeds \$2,500. The Commission finds that SDCL 1-26-18.3, in conjunction with SDCL Chapter 1-26D, gives Alltel the right to use the OHE. The Commission shall transfer this docket to the OHE. Pursuant to SDCL 1-26D-6, after the OHE issues its proposed decision, the Commission shall accept, reject, or modify the findings, conclusions, and decision.

It is therefore

ORDERED, that Alltel's request to use the OHE is granted.

Dated at Pierre, South Dakota, this 17<sup>th</sup> day of November, 2006.

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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u><i>Dulvina Kalbo</i></u>
Date:	<u>11/17/06</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

*Robert K. Sahr*  
ROBERT K. SAHR, Chairman

*Dustin M. Johnson*  
DUSTIN M. JOHNSON, Commissioner *dk*

*Gary Hanson*  
GARY HANSON, Commissioner