

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

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER SETTING</b>
<b>BY MIDCONTINENT COMMUNICATIONS, )</b>	<b>PROCEDURAL SCHEDULE</b>
<b>KNOLOGY OF THE PLAINS, INC., AND )</b>	
<b>KNOLOGY OF THE BLACK HILLS, LLC, )</b>	<b>TC10-096</b>
<b>AGAINST MCI COMMUNICATIONS SERVICES, )</b>	
<b>D/B/A VERIZON BUSINESS SERVICES FOR )</b>	
<b>UNPAID ACCESS CHARGES )</b>	
<b>)</b>	

On October 27, 2010, the Public Utilities Commission (Commission) received a complaint from Midcontinent Communications, Knology of the Plains, Inc., and Knology of the Black Hills, LCC (Complainants) against MCI Communications Services, Inc. d/b/a Verizon Business Services (Verizon) for unpaid access charges. The Complainants allege that Verizon has failed to pay invoices pursuant to state tariffs for the provision of intrastate switched access services. The Complainants believe Verizon withheld payment based on Verizon's argument the unpaid amounts are linked to IP-originated and IP-terminated traffic and that this traffic is not subject to switched access tariff charges. The Complainants disagree, arguing the traffic is subject to switched access charges. On November 18, 2010, Verizon filed an Answer to Complaint, Request for Stay to Permit Settlement Negotiations, Or, in the Alternative, Request for Hearing on Threshold Factual Issues Related to Jurisdiction.

On December 8, 2010, the Complainants filed their Opposition to Verizon's Request for Stay or Alternative, Request for Hearing on Threshold Factual Issues. On December 13, 2010, Verizon filed a reply to Complainants' Brief in Support of Opposition to Verizon's Request for Stay or Alternative Request for Hearing on Threshold Factual Issues. On December 21, 2010, Complainants filed a Request for Interim Relief. On December 27, 2010, Complainants filed a Request for Procedural Schedule. On December 30, 2010, Verizon filed a Reply to Complainants' Request for Interim Relief. On December 30, 2010, Verizon filed a Reply to Complainants' Request for Procedural Schedule. On January 3, 2011, Complainants filed a Reply to Verizon's Response to Request for Interim Relief.

At its January 4, 2011, meeting, the Commission denied the Complainants' request for interim relief (Hanson dissenting). The Commission denied the Complainants' alternative request to cease providing intrastate switched access services to Verizon. Regarding the procedural schedule, the Commission instructed Commission Counsel to work with the parties to determine a procedural schedule with two rounds of discovery, the first round having 30 days, the second round having 21 days; to file any dispositive motions prior to the hearing; and to have all pre-filed testimony filed prior to the hearing.

The parties met with Commission Counsel on January 7, 2010 to discuss a procedural schedule. It was noted that Complainants served discovery on December 29, 2010, with responses due within 30 days. The parties then agreed to the following schedule:

Verizon serves discovery by January 14, 2011; Complainants' responses due February 11, 2011;

Second round of discovery served by February 22, 2011; responses due March 14, 2011;

Dispositive motions served by March 22, 2011; Staff's response due March 29, 2011; replies due April 5, 2011; oral argument on dispositive motions on April 19, 2011; Commission decision May 3, 2011;

Prefiled testimony due May 17, 2011; rebuttal testimony due May 31, 2011;

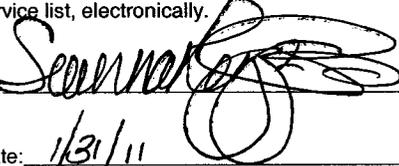
Hearing held in the middle to end of June.

Following the meeting regarding the procedural schedule, the hearing dates were set for June 29-30, 2011. A notice of hearing will follow at a later time.

It is therefore

ORDERED, the parties shall follow the procedural schedule as set forth above.

Dated at Pierre, South Dakota, this 31<sup>st</sup> day of January, 2011.

<p style="text-align: center;"><b>CERTIFICATE OF SERVICE</b></p> <p>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.</p> <p>By: <u></u></p> <p>Date: <u>1/31/11</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>
---

BY ORDER OF THE COMMISSION:

  
STEVE KOLBECK, Chairman

  
GARY HANSON, Commissioner

  
CHRIS NELSON, Commissioner