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OCT 14 2004

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

October 13, 2004

Pam Bonrud, Executive Director  
Public Utilities Commission  
Capitol Building, First Floor  
500 East Capitol Avenue  
Pierre, SD 57501

Re: *Black Hills FiberCom, L.L.C.'s Petition to Continue Exemption from Establishing Cost-Based Switched Access Rates*

Dear Ms. Bonrud:

Enclosed for filing in the above matter, are the original and ten copies of *Black Hills FiberCom, L.L.C.'s Petition to Continue Exemption from Establishing Cost-Based Switched Access Rates*.

Sincerely,

BLACK HILLS CORPORATION

A handwritten signature in black ink that reads 'B Iverson'. Below the signature, the name 'Brian G. Iverson' is printed in a standard font.

Brian G. Iverson

/jmr  
Encl.

cc: Linn Evans  
Kyle White

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OCT 14 2004

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE PETITION OF BLACK HILLS FIBERCOM, L.L.C. TO CONTINUE ITS EXEMPTION FROM ESTABLISHING COST-BASED SWITCHED ACCESS RATES

Docket No. TC04-\_\_\_\_\_

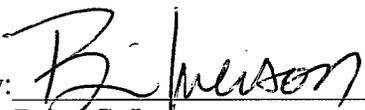
Black Hills FiberCom, L.L.C. ("FiberCom") of 809 Deadwood Avenue, Rapid City, South Dakota 57702, hereby petitions the South Dakota Public Utilities Commission ("Commission") for approval to continue FiberCom's exemption from establishing cost-based switched access rates. In support of its petition, FiberCom states as follows:

- 1. On October 18, 2001, the Commission entered an order granting FiberCom's petition for exemption from establishing company-specific, cost-based switched access rates in Docket No. TC00-190 ("Order"). The Order requires FiberCom to file a petition to continue its exemption within three years from the date of entry of the Order.
2. The Order further approved FiberCom's Intrastate Switched Access Tariff No. 1 and request to waive ARSD 20:10:27:12 pursuant to ARSD 20:10:27:02. FiberCom is not requesting an amendment to its approved switched access tariff.
3. The Commission has jurisdiction in this matter pursuant to SDCL §§ 49-31-18 and 49-31-19 and ARSD 20:10:27:11.
4. It is FiberCom's position that the additional costs associated with developing company-specific, cost-based intrastate switched access rates outweigh any benefit to FiberCom's customers and, therefore, it is in the best interests of the consumer and customers of FiberCom to continue the exemption pursuant to ARSD 20:10:27:11.

WHEREFORE, FiberCom respectfully requests that the Commission grant its Petition to Continue Exemption from Establishing Cost-Based Switched Access Rates.

Respectfully submitted this 13<sup>th</sup> day of October, 2004.

BLACK HILLS FIBERCOM, L.L.C.

By: 

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**South Dakota Public Utilities Commission**  
**WEEKLY FILINGS**  
**For the Period of October 14, 2004 through October 20, 2004**

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this report. Phone: 605-773-3201

**ELECTRIC**

**EL04-032     In the Matter of the Petition for Electrical Service by Dakota Turkey Growers, LLC to have Dakota Energy Cooperative, Inc. Assigned as its Electric Provider in the Service Area of NorthWestern Energy.**

On October 18, 2004, the Commission received a petition from Dakota Turkey Growers, LLC for electrical service. The petition requests that the Public Utilities Commission assign Dakota Energy Cooperative, Inc. as the supplier of electrical service to the Dakota Turkey Growers facility. Dakota Turkey Growers is constructing and will operate a turkey processing plant at a site located in the NE Quarter of Section 4, Township 110 North, Range Six West, in Beadle county, South Dakota, approximately one and one-half miles east of Huron, South Dakota, on the south side of Highway 14. The site of the facility is within the assigned service area of NorthWestern Energy. Dakota Turkey Growers will require electrical service of substantially more than a contracted minimum demand of 2,000 kilowatts, and will enter into a contract for such electrical service.

Staff Analyst: Michele Farris  
Staff Attorneys: Karen Cremer/Sara Harens  
Date Filed: 10/18/04  
Intervention Deadline: 11/05/04

**TELECOMMUNICATIONS**

**TC04-207     In the Matter of the Petition of Black Hills FiberCom, L.L.C. for a Continuation of an Exemption from Developing Company Specific Cost-Based Switched Access Rates.**

On October 14, 2004, Black Hills FiberCom, L.L.C. (FiberCom) filed a request with the Public Utilities Commission for approval to continue FiberCom's exemption from establishing cost-based switched access rates which was granted on October 18, 2001. "It is FiberCom's position that the additional costs associated with developing company-specific, cost-based intrastate switched access rates outweigh any benefits to FiberCom's customers and, therefore, it is in the best interests of the consumer and customers of FiberCom to continue the exemption pursuant to ARSD 20:10:27:11."

Staff Analyst: Harlan Best  
Staff Attorneys: Karen E. Cremer/Sara Harens  
Date Docketed: 10/14/04  
Intervention Deadline: 11/05/04

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**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>BLACK HILLS FIBERCOM, L.L.C. FOR A )</b>	<b>EXTENSION FROM</b>
<b>CONTINUATION OF AN EXEMPTION FROM )</b>	<b>DEVELOPING COMPANY</b>
<b>DEVELOPING COMPANY SPECIFIC COST- )</b>	<b>SPECIFIC COST-BASED</b>
<b>BASED SWITCHED ACCESS RATES )</b>	<b>SWITCHED ACCESS RATES</b>
<b>)</b>	<b>TC04-207</b>

On October 14, 2004, the Public Utilities Commission (Commission) received a request from Black Hills FiberCom, L.L.C. (FiberCom) for approval of a continuation of its exemption from the requirement to develop intrastate switched access rates based on company specific costs.

On November 30, 2004, the Commission considered FiberCom's request for approval of a continuation of its exemption from establishing switched access rates based on company specific costs. The Commission has jurisdiction over this matter pursuant to SDCL 49-31-18, 49-31-19, and ARSD 20:10:27:11. The Commission voted to grant an additional three (3) year extension of its exemption. The Commission further ordered that FiberCom, within three years of the date of this Order, file a petition to continue the exemption granted in this proceeding or file cost-based rates. It is therefore

ORDERED, that FiberCom is approved for an additional three (3) year extension of its exemption from establishing company specific cost-based switched access rates; and it is further

ORDERED, that FiberCom shall, within three years of the date of this Order, file a petition to continue the exemption granted in this proceeding or file cost-based intrastate switched access rates.

Dated at Pierre, South Dakota, this 10<sup>th</sup> day of December, 2004.

<p><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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.</p> <p>By: <u>Helaine Kolbo</u></p> <p>Date: <u>12/13/04</u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

Robert K. Sahr  
ROBERT K. SAHR, Chairman

Gary Hanson  
GARY HANSON, Commissioner

James A. Burg  
JAMES A. BURG, Commissioner