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VIA EMAIL TO PATTY.VANGERPEN@STATE.SD.US

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
Capitol Building, 1st Floor
500 East Capitol Avenue
Pierre, SD 57501-5070

Re: TC09-

*In the Matter of the Application of SSTELECOM, Inc. for Approval of a Motion
for the Extension of Its Current Exemption From Developing Company Specific
Cost-Based Switched Access Rates*

Dear Ms. Van Gerpen:

Please find attached for filing in the above matter, SSTELECOM, Inc.'s Motion for
Extension of Exemption.

As indicated above, this document has been sent to you via electronic mail in PDF form.
If you have any questions or concerns regarding this document, please do not hesitate to contact
me.

Best regards.

Sincerely,

CUTLER & DONAHOE, LLP



Meredith A. Moore
For the Firm

MAM/cmc
Attachment

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION
OF SSTELECOM, INC. FOR APPROVAL
OF A MOTION FOR THE EXTENSION OF
ITS CURRENT EXEMPTION FROM
DEVELOPING COMPANY SPECIFIC
COST-BASED SWITCHED ACCESS RATES

TC09-_____

MOTION FOR
EXTENSION OF EXEMPTION

COMES NOW SSTELECOM, Inc. (“SSTELECOM”), by and through its counsel of record, and hereby submits the following Request for Extension of Exemption. SSTELECOM respectfully requests that this Commission grant it an extension of its current exemption from developing company specific cost-based switched access rates as contained in the Order in TC05-223 dated June 5, 2006 (the “Order”).¹

1. On December 23, 2005, SSTELECOM filed an Application for a Certificate of Authority to provide service in Qwest’s Milbank, South Dakota exchange. On March 16, 2006, this Commission granted SSTELECOM a Certificate of Authority to provide local exchange service in the requested exchange.

2. On February 13, 2006, SSTELECOM filed an Amended Application for Certificate of Authority, which Amended Application sought an exemption from the requirements of A.R.S.D. 20:10:27:11. SSTELECOM further requested that its switched access rates be determined in a manner consistent with the requirements of A.R.S.D. 20:10:27:12.

3. Following negotiations with Commission Staff and the development of an appropriate Stipulation evidencing the result of those negotiations, on May 15, 2006, SSTELECOM and Commission Staff filed a Joint Motion for Approval of Settlement Stipulation.

4. By Order dated June 5, 2006, the Commission approved the Joint Motion, the agreed-upon Access Rate Settlement Stipulation, SSTELECOM’s request for an exemption from establishing company specific cost-based switched access rates, and SSTELECOM’s Switched Access Tariff No. 1.

5. The terms of the approved Settlement Stipulation set out the intrastate switched access rate to be used by SSTELECOM and the time frame within which those rates were/are valid. Specifically, SSTELECOM’s initial intrastate switched access rate was established at \$.1250, which rate was effective as of July 1, 2006. From July 1, 2007, to date, SSTELECOM has used an intrastate switched access rate of \$.1150. The Stipulation provides that the \$.1150 rate will be frozen until:

¹ The Order is specifically titled: “Order Granting Petition for Waiver and Approval of Tariff; Order Granting Joint Motion for Approval of Settlement Stipulation; and Order Approving Access Rate Settlement Stipulation.”

(1) the effective date of any FCC mandated rate changes that may come from the FCC's current intercarrier compensation (ICC) docket (CC Docket No. 01-92) – In the Matter of Developing a Unified Intercarrier Compensation Regime); (2) the effective date of any Commission mandated rate changes in rulemaking docket (RM05-002 – In the Matter of Revisions and/or Additions to the Commission's Switched Access Rules Codified in A.R.S.D. 20:10:27 through 20:10:29); or (3) three years from the date hereof, whichever occurs first, so long as the frozen rate is not in conflict with any new FCC ICC rules or new SDPUC rules as referenced above. . . . Once the rate freeze period has concluded, SSTELECOM shall request an additional extension, or file to update its intrastate switched access rate with this Commission in accordance with rules current at the time of such filing.

See Order, p. 3 of Settlement Stipulation dated May 15, 2006.

6. To date, neither condition (1) or (2) as set forth in ¶5 above has occurred. However, the date on which the terms of the Settlement Stipulation expire is May 15, 2006.

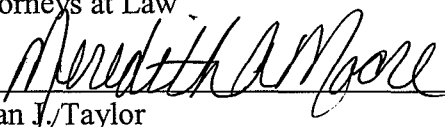
7. The Commission does not currently have in place rules which specifically address rate development for competitive local exchange carriers ("CLECs"). Accordingly, on January 14, 2009, this Commission changed the focus of a rule making docket previously opened, specifically RM05-002, in order to propose and implement new rules governing the development of switched access rates for CLECs. The rulemaking docket remains open at this time and no new rules have yet been disseminated to the public for review and comment.

8. Under the circumstances as outlined above, SSTELECOM is not in a position to either develop a cost study or renew its request for an extension of the exemption contained in A.R.S.D. 20:10:27:11. SSTELECOM believes that either endeavor would be time-consuming, costly and inefficient in light of the pending rule-making docket.

9. Accordingly, SSTELECOM respectfully requests that this Commission grant it a reasonable extension of its current exemption such that it may review the rules promulgated in RM05-002 and determine how to properly proceed thereunder. SSTELECOM further requests that this Commission approve the rate set forth in its current Switched Access Tariff No. 1 for the duration of any extension granted.

Dated this 3rd day of April, 2009.

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