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April 29, 2009

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VIA EMAIL TO [PATTY.VANGERPEN@STATE.SD.US](mailto: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: TC09-014

*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  
Temporary Approval of Switched Access Rate.

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  
cc: Service List

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	TC09-014  MOTION FOR TEMPORARY APPROVAL OF SWITCHED ACCESS RATE
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COMES NOW SSTELECOM, Inc. (“SSTELECOM”), by and through its counsel of record, and hereby submits the following Motion for Temporary Approval of its Switched Access Rate. SSTELECOM respectfully requests that this Commission grant it authority to utilize the rates identified in its switched access services tariff currently on file with this Commission until such time as the issues in this docket are resolved. Such an Order is requested for the following reasons:

1. On April 3, 2009, SSTELECOM moved this Commission for 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”).<sup>1</sup>

2. The Commission’s June 5, 2006 Order approved the terms of a Settlement Stipulation agreed upon by Commission Staff and SSTELECOM on May 15, 2006. More specifically, that Order approved the intrastate switched access rate to be used by SSTELECOM in its tariff. Pursuant to the terms of that Settlement Stipulation, SSTELECOM is currently using an intrastate switched access rate of \$0.1150.

3. The terms of the relevant Settlement Stipulation and corresponding exemption will expire on May 15, 2009.

4. On April 13, 2009, Midcontinent Communications (“Midcontinent”) filed a Petition to Intervene in this docket. SSTELECOM filed an Opposition to the same on April 17, 2009. Argument on the Petition will be presented to this Commission at its regularly scheduled meeting on May 5, 2009.

5. If Midcontinent is allowed to intervene in this docket, SSTELECOM anticipates that it will take longer than originally anticipated to reach a resolution, if at all, of the issues raised by its initial request for an exemption. SSTELECOM therefore anticipates that it will not achieve any resolution to these outstanding issues prior to the expiration of its current exemption on May 15, 2009.

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<sup>1</sup> 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.”

6. While an expiration of its exemption does not result in invalidation of SSTELECOM's current intrastate switched access tariff, SSTELECOM is concerned that interexchange carriers or others obligated to pay SSTELECOM's rates may argue that they need not do so in the absence of a new Order requiring the same. This would result in significant prejudice and harm to SSTELECOM.

7. Additionally, RM05-002, which has been re-focused for purposes of proposing and implementing rules which specifically address rate development for competitive local exchange carriers ("CLECs"), remains open and no rules have yet been disseminated to the public for review and comment. As set forth in its Motion for Extension of Exemption, under these circumstances, 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.

8. Accordingly, for these reasons SSTELECOM respectfully requests that it be allowed to continue to use that rate contained in its current intrastate switched access tariff until such time as a resolution is reached in this docket or through other Order of this Commission.

Dated this 29th day of April, 2009.

CUTLER & DONAHOE, LLP  
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#### CERTIFICATE OF SERVICE


The undersigned hereby certifies that a true and correct copy of the foregoing was served electronically on the 29th day of April, 2009, upon the following:

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One of the Attorneys for  
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