

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

IN THE MATTER OF THE FILING BY)	TC09-014
SSTELECOM, INC. FOR AN EXTENSION)	
OF AN EXEMPTION FROM DEVELOPING)	REPLY OF MIDCONTINENT
COMPANY SPECIFIC COST-BASED)	TO RESPONSE OF SSTELECOM
SWITCHED ACCESS RATES)	

COMES NOW Midcontinent Communications ("Midcontinent") and replies to the response of SSTELECOM in this matter dated July 20, 2009, as follows:

1. SSTELECOM suggests that the Filed Rate Doctrine precludes Midcontinent from contesting the extension of SSTELECOM's switched access rate. Midcontinent has no quarrel with the Filed Rate Doctrine. However, the Filed Rate Doctrine applies only to a valid tariff. The point of Midcontinent's filing in each of the four dockets that are now pending, Midcontinent's motion for uniformity in switched access rates and for an evidentiary hearing, arises by virtue of the fact that the underlying Stipulation and Order upon which those rates are based has by its terms expired. Thus, the viability of SSTELECOM's tariff, upon which its rate is based, is in serious question.

2. Midcontinent believes that the four dockets which are the subject of Midcontinent's pending motion, those being TC09-009, TC09-014, TC09-022 and TC09-031, exemplify the Commission's inconsistency in approving CLEC switched access rates. Midcontinent believes that the Commission should establish a procedural schedule and hear the basis for Midcontinent's contention that the current rates in these four dockets should be recognized as having expired, and the Commission should consider the manner in which uniform switched access rates for CLECs should proceed. Specifically, the Commission should consider whether the principles of equal protection of the law require that similarly-situated CLECs should be treated consistently under the Commission's switched access rules. The Commission should also consider the basis

upon which the Filed Tariff Doctrine governs the proceedings in these four dockets, if at all.

Dated this 6th day of August, 2009.

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CERTIFICATE OF SERVICE

Brett Koenecke of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 6th day of August, 2009, he filed electronically and e-mailed a true and correct copy of the foregoing in the above-captioned action to the following at their last known addresses, to-wit:

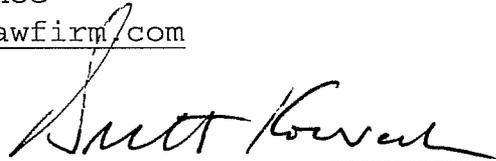
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A handwritten signature in black ink, appearing to read "Brett Koenecke", written over a horizontal line.

Brett Koenecke