

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

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IN THE MATTER OF THE	)	
INVESTIGATION OF PRICING	)	QWEST’S MOTION TO ADOPT PRICE
REGULATION FOR SWITCHED	)	REGULATION OF SWITCHED ACCESS
ACCESS SERVICES PROVIDED BY	)	SERVICES FOR CLECs, TO SUSPEND
COMPETITIVE LOCAL EXCHANGE	)	DEADLINE FOR REPLY TESTIMONY
CARRIERS	)	AND DEFINE FURTHER PROCEEDINGS
	)	
	)	
	)	TC10-014
	)	

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Qwest Corporation and Qwest Communications, LLC (collectively “Qwest”) by and through their undersigned attorneys of record, respectfully move the Commission to enter an order in this docket, as follows: (1) finding that pricing regulation is appropriate for switched access services provided by competitive local exchange companies (“CLECs”); (2) suspending the April 29, 2010, deadline to file reply testimony in this docket; and (3) setting a further schedule for the parties to address the Commission and advocate their respective positions as to what should be the process for establishing the form or method of price regulation for CLECs.

This motion is based on the following:

- **The Commission’s Order of January 27, 2010, opening this docket and the subsequent Order For And Notice Of Procedural Schedule And Hearing** both clarify that the question to be addressed in this docket is “whether pricing regulation is appropriate for switched access services provided by competitive local exchange companies.” This issue is controlled by SDCL 49-31-4.1, which requires the Commission to conduct an investigation to determine whether a noncompetitive service, such as switched access, should be subject to price regulation. Accordingly, the Commission entered a procedural schedule for the parties to submit written testimony and a date for a hearing to address the threshold question. It is Qwest’s understanding that if the threshold question of *whether* the Commission should price regulate switched access services provided by CLECs is answered in the affirmative, then further proceedings will be necessary to address *how* the Commission should price regulate switched access services provided by CLECs.

- **The opening testimony submitted by the parties** appears to unanimously indicate that the parties in this docket, and Staff, answer the threshold question in the affirmative. Please see the following:

<b>Party</b>	<b>Witness</b>	<b>Page Reference</b>
Qwest	William R. Easton	P 17, L 12-14
AT&T	Karen W. Moore	P 2, L 8-10; P 4, L 9-12; P 6, L 3-4
Verizon	Don Price	P 3, L 7-9
Midcontinent Communications	Timothy J. Gates	P 3, L 18 through P 4, L2; P4, L 7-8 <sup>1</sup>
Midcontinent Communications	W. Tom Simmons	The testimony of Mr. Simmons does not address this issue specifically, but rather focuses on Midcontinent's experiences with switched access pricing and provides further support for the "interim solution" proposed by Mr. Gates.
Northern Valley Communications and Sancom	Larry Thompson	P 4, L 1-4
Midstate Telecom, RC Communications and SSTElecom	Marlene Bennett	P 2, L 34-36
South Dakota Telecommunications Association	Dan Davis	P 4, L 7-8, 20-23 <sup>2</sup>
PUC Staff	Terri LaBrie Baker	P 2, L 18-20; P 6, L 2.

Admittedly, the opening testimony submitted by the parties indicates differences in what the parties believe should be the scope of the regulation, various policy considerations, and various thoughts on the form of possible changes in regulation of CLEC switched access services. Nevertheless, all parties appear to agree, albeit for varying reasons, CLEC switched access services should be subject to price regulation. Give the apparent agreement of the parties as to

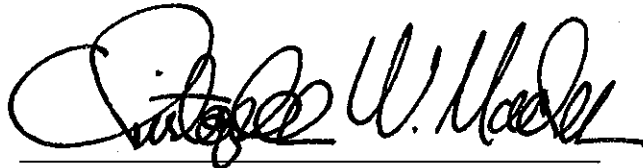
<sup>1</sup> Mr. Gates' testimony concentrates on an interim proposal for regulation of switched access, which must be premised on the notion that switched access services should be regulated differently than at present. As Mr. Gates specifies: "Depending on how 'price regulation' is defined, Midcontinent's proposal is consistent with SDCL 49-31-4.1 and 49-31-1.4." P 4, L 7-8.

<sup>2</sup> SDTA, through the testimony of Dan Davis, does not specifically advocate for or against adoption of price regulation for CLECs, but rather, offers various observations regarding policy considerations. See P 3-4.

the threshold question, the more critical question appears to be: Where does this docket go from here?

Qwest respectfully suggests that the resources of the parties and the Commission are better spent focusing on the question of what should be the process to implement price regulation for switched access services provided by CLECs. Accordingly, Qwest further suggests that the Commission should suspend the April 29 deadline for submitting reply testimony and establish a new schedule for the parties to submit testimony regarding how price regulation for switched access services provided by CLECs should be implemented. The schedule should also further define the scope of the hearing to be held on May 19 and 20, or continue the hearing and establish the purposes of the hearing so the parties may file additional testimony consistent with those purposes.

Dated this 12<sup>th</sup> day of April, 2010.



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**CERTIFICATE OF SERVICE**

I, Christopher W. Madsen, do hereby certify that I am a member of the law firm of Boyce, Greenfield, Pashby & Welk, L.L.P., and on the 12<sup>th</sup> day of April, 2010, a true and correct copy of the **Qwest's Motion to Adopt Price Regulation of Switched Access Services for CLEC's, to Suspend Deadline for Reply Testimony, and Define Further Proceedings** and this **Certificate of Service** was served via electronic mail upon the following:

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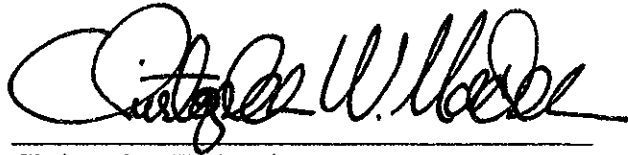
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Dated this 12<sup>th</sup> day of April, 2010.

A handwritten signature in black ink, appearing to read "Christopher W. Madsen". The signature is written in a cursive style with a large initial "C" and "M".

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Christopher W. Madsen