

Docket Number: TC 12-119

Subject: First Data Request

Request to: Granite Telecommunications, LLC

Request From: South Dakota Public Utilities Commission Staff

Request Date: August 23, 2012

Request Number 4

Please submit a request for waiver of the specific provision in rules ARSD 20:10:29:10, 20:10:29:12, and 20:10:29:16 that specify “the per minute charge is equal for both originating and terminating traffic.”

Response:

Please see attached.

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

IN THE MATTER OF THE
APPLICATION OF
GRANITE TELECOMMUNICATIONS,
LLC FOR WAIVER OF SWITCHED
ACCESS RULES

TC
**APPLICATION FOR WAIVER
OF CERTAIN REQUIREMENTS
OF A.R.S.D. §§20:10:29:10, 20:10:29:12
AND 20:10:29:16**

Granite Telecommunications, LLC (“Granite”), hereby requests waiver of ARSD §§20:10:29:10, 20:10:29:12, and 20:10:29:16 to allow its South Dakota rate amendments to go into effect. In support of its request, Granite states as follows. On July 26, 2012, Granite submitted switched terminating access reductions in Docket No. TC 12-119 in compliance with with the Federal Communications Commission’s (“FCC”) USF/ICC Transformational Order, as amended.¹ Pursuant to the USF/ICC Transformation Order facilities-based local exchange carriers were directed to make terminating access rate reductions on a transitional basis. The USF/ICC Transformational Order did not mandate access reductions for originating access.

Rules ARSD §§20:10:29:10, 20:10:29:12, and 20:10:29:16 *inter alia* require that local exchange carriers should tariff equal rates for originating and terminating traffic. A waiver of these rules is necessary to allow Granite to comply with the USF/ICC Transformation Order without a further reduction of revenues exceeding those dictated by the FCC. The FCC is undertaking a further investigation of originating access charges and any additional reductions to originating access should take into account the FCC’s finding when that investigation is complete.

This Commission has granted similar requests such as the request contained in Commission Docket TC 12-027, which request for waiver or suspension was filed by the South Dakota

¹ *Report and Order and Further Notice of Proposed Rulemaking*, in Docket Nos. WC Docket No. 10-90, *et al.*, FCC 11-161 (the “USF/ICC Transformational Order”).

Telecommunications Association ("SDTA"), the Local Exchange Carriers Association ("LECA") and Qwest Corporation d/b/a CenturyLink QC ("CenturyLink").² In that docket, the Commission agreed that a waiver of certain language within A.R.S.D. §§ 20:10:29:10, 20:10:29:12 and 20:10:29:16 was appropriate until such further time as the Commission took action.

Wherefore, Granite Telecommunications, LLC ("Granite"), respectfully requests waiver of ARSD §§20:10:29:10, 20:10:29:12, and 20:10:29:16 in this specific instance to allow its South Dakota rate amendments in compliance with the FCC's USF/ICC Transformational Order to go into effect.

Respectfully submitted this 24th day of August, 2012,

For Granite Telecommunications, LLC

By:

A handwritten signature in blue ink, appearing to read "Andrew O. Isar", is enclosed in a rectangular box. Below the box is a horizontal line.

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Applicant's Regulatory Consultants

² See Order dated May 1, 2012.