



Via Electronic Filing

July 25, 2013

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
State of South Dakota
500 East Capitol Avenue
Pierre, SD 57501

RE: Interstate Telecommunications Cooperative, Inc. f/k/a SSTELECOM (“ITC CLEC”),
Revised Terminating Intrastate Switched Access Rate Structure (TC13-061)
Response to Staff’s Data Request No. 2 & Request for Waiver of § 20:10:27:02.01

Dear Ms. Van Gerpen,

Herein via electronic filing, on behalf of ITC CLEC, is the response to Staff’s Data Request No. 2 dated July 18, 2013 regarding Docket TC13-061.

Request 2-1:

2-1 Please submit a request for a waiver of “*20:10:27:02.01. Determination of intrastate switched access charges for competitive local exchange carriers. A competitive local exchange carrier shall charge intrastate switched access rates that do not exceed the intrastate switched access rate of the Regional Bell Operating Company operating in the state.*” This is necessary because the NECA rates are higher than the Qwest rates.

Response 2-1:

Pursuant to ARSD § 20:10:27:02, by this letter, Interstate Telecommunications Cooperative, Inc. f/k/a SSTELECOM (“ITC CLEC”) is requesting a waiver of ARSD § 20:10:27:02.01.

Language contained within ARSD § 20:10:27:02.01 indicates ITC CLEC shall not have intrastate switched access rates in excess of the South Dakota Regional Bell Operating Company. ITC CLEC requests a waiver of this requirement based on the Federal Communications Commission’s (FCC), November 18, 2011, Intercarrier Compensation Reform Order (FCC 11-161 or Order)¹.

¹ *Connect America Fund*, WC Docket No. 10-90, *A National Broadband Plan for our Future*, GN Docket No. 09-51, *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket no. 05-337, *Developing an Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, *Federal –State Joint Board on Universal Service*, CC Docket No. 96-45, *Lifeline and Link-Up*, WC Docket No. 03-109, *Universal Service – Mobility Fund*, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. November 18, 2011).



The Order capped intrastate rates at December 29, 2011 levels, which began a nine year transition to bill-and-keep for rural carriers' intrastate terminating switched access rates.

ITC CLEC is a rural CLEC that follows the FCC's Rural Benchmark exemption found in 47 CFR 61.26(e). At the time of the cap and currently, ITC CLEC's interstate switched access rate is higher than its intrastate switched access rate on a per minute basis. ITC CLEC detailed the steps taken to calculate its rates in the 1st staff data request response filed on July 16, 2013 in order to comply with the rate structure required by the Order and keeping the rate revenue neutral.

The waiver requested is necessary due to the ITC CLECs interstate rate per minute being higher than the Century Link/Qwest interstate rate per minute at the time of the FCC cap (which is now Century Link/Qwest's intrastate terminating rates based on the Order). ITC CLEC requests to maintain the currently effective originating intrastate rate per minute of \$0.06042 and Commission approval of the filed terminating intrastate rates by element and structure that will maintain the \$0.06042 rate per minute after elements are applied.

Based on these reasons and good cause as provided herein, ITC CLEC hereby respectfully requests the Commission waive the requirements identified in § 20:10:27:02.01 requiring a competitive local exchange carrier to charge intrastate switched access rates that do not exceed the intrastate switched access rate of the Regional Bell Operating Company operating in the state.

If you have any questions, please feel free to contact me at (402) 462-2554 or via email at wendy.harper@vantagepnt.com.

Sincerely,

A handwritten signature in black ink that reads 'Wendy M Harper'.

Wendy Harper
Telco Consultant
Vantage Point Solutions

Enclosures

cc: Jerry Heiberger