

BEFORE THE SOUTH DAKOTA  
PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE PETITION FOR  
APPROVAL OF AN AMENDMENT TO  
THE ACCESS TARIFFS OF MIDSTATE  
COMMUNICATIONS, INC.

DOCKET NO. \_\_\_\_\_

PETITION FOR APPROVAL OF AN  
AMENDMENT TO THE TARIFF  
OF MIDSTATE COMMUNICATIONS,  
INC.

COMES NOW the Petitioner, Midstate Communications, Inc., a South Dakota cooperative corporation (“Midstate”), by and through its undersigned counsel, and, pursuant to SDCL § 49-31-12.2, respectfully requests that the South Dakota Public Utilities Commission (the “Commission”) approve amendments, as described below, to those tariffs governing its operations as both an incumbent and a competitive local exchange carrier.

**FACTUAL BACKGROUND**

1. On December 17, 2013, this Commission issued an Order granting Amended Certificates of Authority to Midstate and Midstate Telecom, Inc. (“Midstate Telecom”). Specifically, the Commission approved Midstate’s Application to (1) amend its Certificate of Authority to offer local exchange service to the former customers of Midstate Telecom in the Chamberlain and Oacoma local telephone exchanges and (2) amend Midstate Telecom’s Certificate of Authority to permit Midstate, as the successor by merger, to operate as a competitive local exchange carrier in the exchanges served by Midstate Telecom.

2. During the Application process, Midstate advised this Commission that it did not intend to consolidate the access tariffs of Midstate and Midstate Telecom, but rather that it would submit a proposal following the merger to amend Midstate’s respective tariffs so as to properly

reflect the amendments to the Certificates of Authority. Midstate advised that it would submit its proposal within sixty (60) days of the merger.

3. Effective as of January 1, 2014, Midstate Telecom was merged with and into Midstate pursuant to the provisions of SDCL Chapter 47-1A *et seq.* Prior to the merger, all the business of both Midstate and Midstate Telecom was conducted under the registered trade name “Midstate Communications.” As a result of the merger, use of the legal entity name “Midstate Telecom, Inc.” has ceased.

#### **ILEC AND CLEC TARIFFS**

4. Midstate participates in the Local Exchange Carriers Association (“LECA”) tariff on file with this Commission. See [www.puc.sd.gov/Tariffs/leca.aspx](http://www.puc.sd.gov/Tariffs/leca.aspx). No changes to the terms and conditions governing the provision of Midstate’s switched access service will be made. Midstate will continue to participate in and operate under the LECA tariff.

5. Prior to the merger, Midstate Telecom also participated in the LECA tariff, but had a separate tariff on file with this Commission so as to comply with the provisions of A.R.S.D. 20:10:27:02:01. See [www.puc.sd.gov/commission/tariffs/telecommunications/midstate.pdf](http://www.puc.sd.gov/commission/tariffs/telecommunications/midstate.pdf). As required by A.R.S.D. 20:10:27:02:01, Midstate Telecom’s rates mirrored the intrastate switched access rate of the Regional Bell Operating Company operating in South Dakota, otherwise known as CenturyLink.

6. Pursuant to the terms, provisions and conditions of the December 17, 2013 Order Granting Amended Certificates of Authority, as well as the Order of the Commission in Docket No. TC01-007, Midstate now operates as a competitive local exchange carrier in the exchanges formerly served by Midstate Telecom. In order to address the merger and the impact of the same

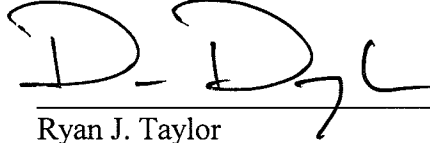
on the relevant tariffs, Midstate proposes amendments to Midstate Telecom's tariff as reflected in Exhibit A attached hereto. More specifically, Midstate will substitute its name for Midstate Telecom's wherever Midstate Telecom's name appears in the current tariff. Midstate will also add a parenthetical reference to the header information on each page, which reference will identify the service area in which the tariff is valid, such that a distinction is drawn between Midstate's ILEC and CLEC operations. For greater ease of identification on the Commission's website, Midstate proposes that Midstate continue to be listed as "Midstate Communications, Inc." with a corresponding reference to the LECA Tariff. It further proposes that the existing reference to Midstate Telecom be eliminated and replaced with a reference to "Midstate Communications, Inc. – CLEC."

With the exception of the above-referenced changes to company identifying information, the rates, terms and conditions under which Midstate shall provide competitive local exchange service in the Chamberlain and Oacoma exchanges will not change.

WHEREFORE, Petitioner respectfully requests that the Commission approve its proposed amendments to the existing tariff for Midstate Telecom and grant any other relief or approvals necessary or appropriately identify the respective tariffs for Midstate's ILEC and CLEC operations.

Dated this 27th day of February, 2014.

CUTLER & DONAHOE, LLP  
Attorneys at Law

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

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