

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

**IN THE MATTER OF THE ESTABLISHMENT OF) ORDER DENYING
SWITCHED ACCESS RATES FOR THE LOCAL) INTERVENTION
EXCHANGE CARRIERS ASSOCIATION) TC04-119**

On June 30, 2004, the Local Exchange Carriers Association (LECA) filed for approval by the Public Utilities Commission (Commission) its 2003 Intrastate Switched Access Cost Study. LECA stated: The purpose of these revisions is to implement changes in rates as necessitated by revisions in member companies' revenue requirements and access minutes of use. LECA requested that the revised rates be effective August 1, 2004. The Commission considered this matter at its July 20, 2004, meeting. LECA's tariff revisions were allowed to go into effect as of August 1, 2004, subject to refund with interest to the extent required in the Commission's final decision in this docket. On August 3, 2004, the Commission received revised tariff pages from LECA.

On July 1, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of July 16, 2004, to interested individuals and entities. On August 30, 2005, the Commission received Petitions to Intervene from MCI (MCI) and Midcontinent Communications (Midcontinent). On September 2, 2005, the Commission received an Amended Petition to Intervene from MCImetro Access Transmission Services, LLC (MCImetro). On September 14, 2005, the Commission received a Petition to Intervene from AT&T Communications of the Midwest, Inc. (AT&T). On September 15, 2005, the Commission received Answers of LECA to MCI and Midcontinent's Petitions to Intervene. On September 16, 2005, the Commission received Joint Answers of LECs to MCI and Midcontinent's Petitions to Intervene. On September 23, 2005, the Commission received an Answer of LECA to AT&T's Petition to Intervene. On September 26, 2005, the Commission received Staff's Response to MCI, Midcontinent and AT&T's Petitions to Intervene.

The Commission has jurisdiction over this matter pursuant to SDCL 1-26-17.1, 49-1A-9, 49-31-12.6, 49-31-18, 49-31-19 and ARSD 20:10:01:15.02, 20:10:01:15.05, 20:10:27:07 and 20:10:27:08.

At a regularly scheduled meeting of September 27, 2005, the Commission found that the Petitions to Intervene were not timely filed. It is therefore

ORDERED, that the Petitions to Intervene of MCI, Midcontinent and AT&T are hereby denied.

Dated at Pierre, South Dakota, this 14th day of October, 2005.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u>Melaine Koelbe</u>
Date: <u>10/5/05</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Robert K. Sahr
ROBERT K. SAHR, Commissioner

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner