

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

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION TO MODIFY THE)
JURISDICTIONAL REPORT REQUIREMENTS)
IN SECTION 2 BY ESTABLISHING A PERCENT)
INTERSTATE USAGE (PIU) FLOOR FOR)
UNIDENTIFIED FEATURE GROUP D (FGD))
TERMINATING TRAFFIC)**

**ORDER GRANTING
WITHDRAWAL OF
INTERVENTION**

TC08-127

On October 31, 2008, the Public Utilities Commission (Commission) received an Application from Qwest Corporation (Qwest) for approval to modify the Jurisdictional Report Requirements in Section 2, by establishing a Percent Interstate Usage (PIU) floor for unidentified Feature Group D (FGD) terminating traffic. Terminating FGD traffic that does not contain sufficient call detail to identify the jurisdiction (unidentified traffic) will be assigned jurisdiction as follows:

- The first 5% of unidentified terminating traffic will continue to be jurisdictionally assigned based on the carrier's PIU report or, if the carrier has not filed a PIU report, a PIU of 50 (50% interstate – 50% intrastate) will be assigned per the current terms in Section 2.3.10.B.2.c.
- Unidentified traffic in excess of the 5% floor will be designated intrastate traffic and charged at Qwest's current South Dakota rates.

There is no change to currently effective rates. Notification has been sent to customers.

The following tariff sheets were filed with regard to the Access Service Tariff:

Section 2	Page 18	Release 5
Section 2	Page 18.1	Release 1
Section 2	Page 19	Release 3
Section 2	Page 20	Release 4

On November 6, 2008, the Commission electronically transmitted notice of the filing and the intervention deadline of November 21, 2008, to interested individuals and entities. AT&T Communications of the Midwest, Inc. (AT&T) filed a Petition for Intervention and Request to Suspend on Petition of Qwest for Access Tariff Changes on November 21, 2008. MCI Communications Services, Inc. d/b/a Verizon Business Services (Verizon), Level 3 Communications, LLC (Level 3) and Local Exchange Carriers Association (LECA) filed to intervene on November 21, 2008. South Dakota Telecommunications Association (SDTA) filed to intervene on November 24, 2008.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31 and ARSD 20:10:01:15.05.

At a regularly scheduled meeting of November 25, 2008, the Commission considered the Petitions to Intervene and the Request to Suspend. The Commission granted intervention to AT&T, Verizon, LECA and SDTA. No action was taken on Level 3's Petition to Intervene as Level 3 informed the Commission that it is going to withdraw its Petition to Intervene. Pursuant to SDCL 49-31-12.4, the Commission suspended the tariff revisions for 120 days beyond December 1, 2008.

On December 5, 2008, the Commission received a Notice of Withdrawal (of intervention) from Level 3.

At a regularly scheduled meeting of December 30, 2008, the Commission considered the Notice of Withdrawal. Commission Staff recommended approval. The Commission granted the Notice of Withdrawal. It is therefore

ORDERED, that the Notice of Withdrawal is hereby granted.

Dated at Pierre, South Dakota, this 9th day of January, 2009.

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, electronically.	
By:	<u><i>Arlaine Kolbo</i></u>
Date:	<u><i>1/9/09</i></u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Dustin Johnson
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON Commissioner