

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

IN THE MATTER OF THE FILING BY RC)	ORDER DENYING MOTION
COMMUNICATIONS, INC. FOR AN EXTENSION)	FOR UNIFORMITY IN
OF AN EXEMPTION FROM DEVELOPING)	SWITCHED ACCESS RATES
COMPANY SPECIFIC COST-BASED)	AND FOR EVIDENTIARY
SWITCHED ACCESS RATES)	HEARING
)	TC09-022

On May 13, 2009, the South Dakota Public Utilities Commission (Commission) received a filing from RC Communications, Inc. (RC Communications) requesting an extension of an exemption from developing a company specific cost-based switched access rate for a period of three months after the effective date of the new rules adopted by the Commission in RM05-002. RC Communications further requested approval of its current switched access rate of \$0.115 per minute. On May 13, 2009, the Commission also received a Motion for Temporary Approval of Switched Access Rates from RC Communications.

On May 14, 2009, the Commission electronically transmitted notice of the filing and the intervention deadline of May 29, 2009, to interested individuals and entities. On May 13, 2009, the Commission received a Motion for Temporary Approval of Switched Access Rates from RC Communications. Midcontinent Communications (Midcontinent) filed to intervene on May 18, 2009. On June 4, 2009, the Commission received a Motion to Deny Petition for Approval of Extension and for Evidentiary Hearing from Midcontinent. At its regularly scheduled meeting of June 9, 2009, the Commission granted intervention to Midcontinent. On June 18, 2009, the Commission received a Motion for Uniformity in Switched Access Rates and for Evidentiary Hearing from Midcontinent.

At its regularly scheduled meeting of June 23, 2009, the Commission voted unanimously to grant the Motion for Temporary Approval of Switched Access Rates, with the current rate remaining in effect. The Commission further finds that the Access Rate Settlement Stipulation that froze RC Communication's rate at its current level expressly provided that following the expiration of the rate freeze, RC Communications could request another extension. On August 7, 2009, the Commission received a Response to Midcontinent Communication's Motion for Evidentiary Hearing and Uniformity from RC Communications. On August 21, 2009, the Commission received a Reply Brief to Responses from Midcontinent.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31.

At its regularly scheduled meeting of August 25, 2009, the Commission considered the Motion for Uniformity in Switched Access Rates and for Evidentiary Hearing. Commission Staff recommended denial. Midcontinent's Motion requested "an evidentiary hearing to determine whether the Commission should order that all CLECs, upon expiration of their previously approved switched access rate, mirror the incumbent rate going forward." The Commission voted unanimously to deny the Motion for Uniformity in Switched Access Rates and for Evidentiary Hearing. It is therefore

ORDERED, that the Motion for Uniformity in Switched Access Rates and for Evidentiary Hearing is hereby denied.

Dated at Pierre, South Dakota, this 15th day of September, 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: *Arlene Kolbo*

Date: 9/16/09

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner