

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

IN THE MATTER OF THE PETITION FOR))	ORDER DISMISSING AND
MIDCONTINENT COMMUNICATIONS FOR))	CLOSING THE DOCKET
APPROVAL OF ITS SWITCHED ACCESS))	
RATES))	TC07-117

On October 31, 2007, Midcontinent Communications (Midcontinent) filed with the Public Utilities Commission (Commission) a petition (Petition) requesting (i) an exemption, pursuant to ARSD 20:10:27:11, from the requirement of ARSD 20:10:27:07 to file a company-specific cost study in support of its switched access rates, (ii) approval of switched access rates that mirror rates of similarly situated CLECs and (iii) approval of the switched access tariff sheets submitted with the petition incorporating the rates approved by the Commission. On November 1, 2007, the Commission electronically transmitted notice of the filing and the intervention deadline of November 16, 2007, to interested individuals and entities. On July 14, 2008, Midcontinent filed a Motion to Amend Petition. At its regularly scheduled meeting of July 29, 2008, the Commission unanimously voted to grant the Motion to Amend Petition. The hearing was held as scheduled. At its ad hoc meeting of December 16, 2008, the Commission voted unanimously to deny Midcontinent's request for an exemption from developing company specific cost-based switched access rates pursuant to ARSD 20:10:27:11; the Commission voted unanimously to require Midcontinent to file its cost study-based proposed rates as a formal rate tariff filing, attendant with the Commission's statutory filing fee and rate suspension powers, and to direct Staff to perform, as expeditiously as possible, a customarily thorough evaluation of Midcontinent's cost study; the Commission voted unanimously to redirect Docket RM05-002 from a general switched access docket to focus more specifically on a CLEC switched access rate-setting policy and directed Staff to provide a straw man proposal for the Commission's consideration within 180 days after the date of this Order. At its regularly scheduled meeting of February 24, 2009, the Commission voted to deny the Petition for Reconsideration (Dustin M. Johnson, dissenting). The rules in RM05-002 were effective May 30, 2011.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, particularly SDCL 49-31-12.2, 49-31-12.4 and 49-31-19, and ARSD Chapters 20:10:27 through 20:10:29, particularly ARSD 20:10:27:02, 20:10:27:07, 20:10:27:11 and 20:10:27:12.

At its regularly scheduled meeting of July 26, 2011, Commission Staff stated that Midcontinent had agreed to the dismissal and closing of this docket as Midcontinent's switched access rate did not change based on the switched access rules that became effective on May 30, 2011. The Commission voted unanimously to dismiss and close the docket. It is therefore

ORDERED, that the docket shall be dismissed and closed.

Dated at Pierre, South Dakota, this 29th day of July, 2011.

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>[Signature]</i></u>
Date: <u>7.29.11</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

[Signature]
GARY HANSON, Chairman

[Signature]
CHRIS NELSON, Vice Chairman