

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

**IN THE MATTER OF THE JOINT)
APPLICATION OF THE SOUTH DAKOTA)
TELECOMMUNICATIONS ASSOCIATION,)
THE LOCAL EXCHANGE CARRIERS)
ASSOCIATION AND QWEST CORPORATION)
DBA CENTURYLINK QC FOR WAIVER OF)
ARSD §§ 20:10:29:10, 20:10:29:12,)
20:10:29:16)**

**ORDER GRANTING
WAIVER/SUSPENSION
REQUEST**

TC12-027

On March 2, 2012, the Public Utilities Commission (Commission) received a joint application from the South Dakota Telecommunications Association, the Local Exchange Carriers Association, and Qwest Corporation dba CenturyLink QC (Applicants) for waiver of ARSD §§ 20:10:29:10, 20:10:29:12, and 20:10:29:16. Applicants stated that these rules govern the establishment of intrastate switched access charges and a waiver/suspension is requested from the provisions in each rule indicating that local exchange carriers should tariff equal rates for originating and terminating traffic. On March 8, 2012, the Commission electronically transmitted notice of the filing and the intervention deadline of March 23, 2012, to interested individuals and entities. On March 23, 2012, the Commission received a Petition to Intervene from AT&T Communications of the Midwest, Inc. (AT&T). On March 27, 2012, Qwest Corporation dba CenturyLink QC filed its response to AT&T's Petition to Intervene. On March 27, 2012, the Commission granted AT&T's Petition to Intervene.

At its regularly scheduled meeting of April 24, 2012, the Commission considered this matter. AT&T did not object to the waiver/suspension request but expressed concerns as to the time frame of the waiver/suspension. Commission Staff recommended the Commission waive the specific provisions in rules ARSD 20:10:29:10, 20:10:29:12, and 20:10:29:16 that state "[t]he per minute charge is equal for both originating and terminating traffic."

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31 and ARSD 20:10:27:02 and ARSD Chapter 20:10:29. The Commission voted unanimously to waive/suspend, until the Commission otherwise orders, the specific provisions in rules ARSD 20:10:29:10, 20:10:29:12, and 20:10:29:16 that state "[t]he per minute charge is equal for both originating and terminating traffic." Pursuant to ARSD 20:10:27:02, the Commission finds good cause to waive/suspend these provisions because of the FCC's order regarding intrastate switched access rates.¹ In that order, the FCC mandated reductions in terminating intrastate switched access rates but left issues regarding originating intrastate switched access for further proceedings. It is therefore


¹ See Connect America Fund, WC Docket No. 10-90, A National Broadband Plan for Our Future, GN Docket No. 09-51, Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135, High-Cost Universal Service Support, WC Docket No. 05-337, Developing an Unified Intercarrier Compensation Regime, CC Docket No. 01-92, Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Lifeline and Link-Up, WC Docket No. 03-109, Universal Service Reform – Mobility Fund, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011).


ORDERED, until such time as the Commission otherwise orders, the request for waiver/suspension of the specific provisions in rules ARSD 20:10:29:10, 20:10:29:12, and 20:10:29:16 that state "[t]he per minute charge is equal for both originating and terminating traffic" is hereby granted.


Dated at Pierre, South Dakota, this 1st day of May, 2012.

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:	
Date:	<u>May 1, 2012</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:


CHRIS NELSON, Chairman


KRISTIE FIEGEN, Commissioner


GARY HANSON, Commissioner