

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

**IN THE MATTER OF THE PETITION OF)
MIDSTATE TELECOM FOR APPROVAL OF)
ITS COST BASED SWITCHED ACCESS)
RATES AND FOR A PHASE-IN)
)**

**ORDER GRANTING
INTERVENTION AND
ASSESSING A FILING FEE**

TC12-133

On September 10, 2012, the Public Utilities Commission (Commission) received a petition from Midstate Telecom, Inc. (Midstate) for approval of its new intrastate switched access rates. Pursuant to ARSD 20:10:27:02.02, Midstate requested the Commission approve a higher rate than allowed under ARSD 20:10:27:02.01 and filed a cost study in support of the higher rate. Midstate also requested a phase-in period "in which to implement the switched access rate established in ARSD 20:10:27:02.01 until six months from the date of this filing, or until Midstate Telecom's switched access rate developed pursuant to the cost study filed herewith is approve [sic] by the Commission, whichever occurs first. During the phase-in period, Midstate Telecom requests that it be allowed to continue to charge the switched access rate of 11.5 cents per minute."

On September 13, 2012, the Commission electronically transmitted notice of the filing to all interested parties and entities with an intervention deadline of September 28, 2012. On September 28, 2012, AT&T Communications of the Midwest, Inc. (AT&T) filed a Petition for Intervention.

SDCL 49-31-12.6 authorizes the Commission to require a deposit of up to one hundred thousand dollars (\$100,000) in the South Dakota Public Utilities Commission's (SDPUC) regulatory assessment fee fund to defray Commission expenses incident to analyzing and ruling upon this type of filing.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-1A, and 49-31 and ARSD Chapters 20:10:01, and 20:10:27 through 20:10:29, inclusive.

At its regularly scheduled meeting of October 23, 2012, Midstate stated it did not object to the granting of AT&T's Petition to Intervene. Midstate questioned whether a \$1,000 filing fee was needed at this time. Staff noted that Staff had already spent time on this docket.

The Commission found that the Petition to Intervene of AT&T demonstrated good cause to grant intervention and voted unanimously to grant intervention to AT&T. The Commission, pursuant to SDCL 49-31-12.6, unanimously voted to assess Midstate a \$1,000 filing fee, subject to additional amounts as requested by the Executive Director up to the statutory limit of \$100,000. The Commission further granted the Executive Director authority to enter into necessary consulting contracts. It is therefore

ORDERED, that the Petition to Intervene of AT&T is hereby granted. It is further

ORDERED, that Midstate shall deposit an initial assessment of \$1,000 in the SDPUC regulatory assessment fee fund and shall deposit any additional amounts as requested by the Executive Director up to the statutory limit of \$100,000. It is further

ORDERED, that the Executive Director is granted authority to enter into necessary consulting contracts.

Dated at Pierre, South Dakota, this 29th day of October, 2012.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u>Joy King</u></p> <p>Date: <u>10-29-12</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner