

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

**IN THE MATTER OF THE COMPLAINT AND)
REQUEST FOR DECLARATORY RULING FILED)
BY MIDCONTINENT COMMUNICATIONS)
AGAINST PAETEC COMMUNICATIONS, INC.)
AND MCLEODUSA TELECOMMUNICATIONS)
SERVICES, L.L.C. REGARDING THE DELIVERY)
OF TELECOMMUNICATIONS TRAFFIC AND)
PAYMENT FOR SUCH TRAFFIC)**

**ORDER GRANTING
INTERVENTION AND EXTENSION
OF TIME**

TC12-016

On January 12, 2012, Midcontinent Communications (Midcontinent) filed with the Public Utilities Commission (Commission) a Complaint and Request for Declaratory Ruling against PaeTec Communications, Inc (PaeTec). On January 19, 2012, the Commission electronically transmitted notice of the filing to interested individuals and entities. On February 1, 2012, the South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene. On February 3, 2012, the Local Exchange Carrier Association (LECA) filed a Petition to Intervene.

On February 8, 2012, Midcontinent amended its Complaint and Request for a Declaratory Ruling. Midcontinent added McLeodUSA Telecommunications Services, L.L.C (McLeod) as a party to the proceeding. On February 21, 2012, Commission Staff (Staff) filed a request regarding the time allowed for Commission action on the Request for Declaratory Ruling pursuant to ARSD 20:10:01:35. Specifically, Staff requested the Commission consider the filing date for purposes of ARSD 20:10:01:35 to be February 8, 2012, which is the date the amended filing was made. In addition, Staff requested an additional sixty days beyond the 60 days provided for in ARSD 20:10:01:35.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-13, and 49-31 and ARSD 20:10:01:15.05 and ARSD 20:10:01:35.

At a regularly scheduled meeting on February 28, 2012, the Commission considered the Petitions to Intervene and Staff's request for additional time. No parties objected to the Petitions to Intervene or to the request for additional time. The Commission found the Petitions to Intervene of LECA and SDTA demonstrated good cause to grant intervention and voted unanimously to grant the Petitions to Intervene. The Commission also unanimously voted to grant Staff's request regarding the extension of time. It is therefore

ORDERED, that the Petitions to Intervene are granted; and it is

FURTHER ORDERED, that Staff's request to consider the Declaratory Ruling filing date to be February 8, 2012 and to allow an additional sixty days beyond the 60 days provided for in ARSD 20:10:01:35 is granted.

Dated at Pierre, South Dakota, this 1 day of March, 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: Joy Berry

Date: 3-1-12

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Feigen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner