

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

**IN THE MATTER OF THE FILING BY LONG
LINES METRO, LLC FOR APPROVAL OF
REVISIONS TO ITS TARIFF NO. 3**)
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**ORDER APPROVING
TARIFF REVISIONS AND
WAIVER/SUSPENSION REQUEST**

TC12-108

On July 2, 2012, the Public Utilities Commission (Commission) received a filing from Long Lines Metro, LLC (fka CommChoice) (Long Lines Metro) for approval of revisions to switched access tariff, Tariff No. 3. This tariff replaces in its entirety the original tariff of CommChoice, LLC, South Dakota switched access Tariff No. 2. This tariff incorporates the name change as well as the necessary implementation of the Federal Communications Commission's (FCC) intercarrier compensation reforms as set forth in its Connect America Fund Order (Order), released November 18, 2011.¹ As part of its Order, the FCC adopted "bill-and-keep as the default methodology" and "end state" for all intercarrier compensation traffic, including intrastate traffic. The FCC further adopted a defined "transition path" for moving to this end state. The first reduction mandated by the FCC's Order requires a carrier to reduce its intrastate terminating access rate, if above the carrier's interstate access rate, by 50 percent of the differential between the carrier's intrastate rate and the carrier's interstate access rate. The reduced rates are required to be effective by July 3, 2012.² The switched access tariff, Tariff No. 3, pages 1-56, was filed with regard to FCC required revisions.

On July 5, 2012, the Commission electronically transmitted notice of the filing and the intervention deadline of July 20, 2011, to interested individuals and entities. No parties sought intervention. On October 5, 2012, Long Lines Metro filed revised tariff sheets and also requested a waiver of ARSD 20:10:29:10, 20:10:29:12, and 20:10:29:16 to allow originating and terminating switched access rates that are not equal.

At its regularly scheduled meeting of October 23, 2012, the Commission considered this matter. The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31 and ARSD Chapter 20:10:29. Commission staff recommended granting the waiver and approval of all requested tariff revisions. The Commission voted unanimously to approve the requested revisions to Long Lines Metro's South Dakota Access Services Tariff No. 3 and 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." It is therefore

ORDERED, that the Commission approves the above referenced revisions to Long Lines Metro's South Dakota Access Services Tariff No. 3, effective as of July 3, 2012. It is further

¹ *In the Matter of Connect America Fund et al.*, WC Docket Nos. 10-90, et al., Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. November 18, 2011).

² *See In the Matter of Connect America Fund et al.*, WC Docket Nos. 10-90, et al., Order, DA 12-870 (rel. June 5, 2012) (allowing effective dates for intrastate filings to be extended from July 1, 2012 to July 3, 2012).

ORDERED, until such time as the Commission otherwise orders, the 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 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><i>Joy Feigen</i></u></p> <p>Date: <u>10-29-12</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Feigen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner