

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

IN THE MATTER OF THE APPLICATION OF)
MIDSTATE TELECOM, INC. FOR APPROVAL)
OF EXTENSION OF TIME OF EXEMPTION)
FROM DEVELOPING COMPANY SPECIFIC)
COST-BASED SWITCHED ACCESS RATES)
)
)

ORDER GRANTING
PETITION FOR EXTENSION
AND APPROVAL OF TARIFF

TC02-032

On April 2, 2002, the Public Utilities Commission (Commission) received a petition from Midstate Telecom, Inc. (Midstate) requesting an extension of the one-year exemption from developing company specific cost-based switched access rates for a period of three years, and to approve the current intrastate switched access tariff, and any subsequently filed tariffs, for said three-year period. On April 24, 2001, the Commission had granted Midstate a Certificate of Authority to provide local exchange services and a one-year exemption from establishing company specific cost-based switched access rates.

On April 4, 2002, the Commission electronically transmitted notice of the filing and the intervention deadline of April 19, 2002, to interested individuals and entities.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 49-31, specifically 49-31-18 and 49-31-19 and ARSD Chapters 20:10:27 through 20:10:29, inclusive.

On May 9, 2002, at its regularly scheduled meeting, the Commission considered Midstate's request. The Commission voted to grant the extension for exemption from developing company specific cost-based switched access rates pursuant to ARSD 20:10:27:11 for a period of three years from the date of the order and to approve the current intrastate switched access tariff no. 1 pursuant to ARSD 20:10:27:12. It is therefore

ORDERED, that Midstate's petition for an extension to be exempt from establishing company specific cost-based switched access rates is granted and its intrastate switched access tariff no. 1 is approved; and it is further

ORDERED, that Midstate shall, within three years of the date of this Order, file a petition to continue the exemption granted in this proceeding or file cost-based intrastate switched access rates.

Dated at Pierre, South Dakota, this 16th day of May, 2002.

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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u>Dalaine Kelbo</u>
Date: <u>5/17/02</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Robert K. Sahr
ROBERT K. SAHR, Commissioner

South Dakota Public Utilities Commission

WEEKLY FILINGS

For the Period of March 28, 2002 through April 3, 2002

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this report. Phone: 605-773-3705 Fax: 605-773-3809

CONSUMER COMPLAINTS

CE02-001 In the Matter of the Complaint filed by Patsy Allyn, Peever, South Dakota, against Otter Tail Power Company Regarding Billing and Tree Damage.

Complainant has several concerns about Otter Tail service. Complainant's main concern is that she feels that the billing for her usage of electricity is extremely high. Complainant also states that when the company came to trim her tree which had grown into Otter Tail's electric wires, the company did not ask her permission and the company butchered her tree. She has attempted to work with Otter Tail to resolve several issues but has been unsuccessful. Complainant requests that hefty fines be placed on Otter Tail and that she be given compensation by the company. She would like to have the company go over her bills with her since the day she began service. She feels that there should be a flat fee on her meter where she would pay only 150 no matter how much usage she used all year. She would like two locks placed on all meters with one being placed by the customer and one being placed by the company.

Staff Analyst: Mary Healy
Staff Attorney: Karen Cremer
Date Docketed: 04/02/02
Intervention Deadline: N/A

TELECOMMUNICATIONS

TC02-031 In the Matter of the Application of VP Telecom, Inc. for a Certificate of Authority to Provide Interexchange Telecommunications Services and Local Exchange Services in South Dakota.

VP Telecom, Inc. is seeking a Certificate of Authority to provide interexchange and local exchange telecommunications services in South Dakota. The applicant intends to provide a full range of services on a facilities based and resale basis.

Staff Analyst: Keith Senger
Staff Attorney: Karen Cremer
Date Docketed: 03/29/02
Intervention Deadline: 04/19/02

TC02-032 In the Matter of the Application of Midstate Telecom, Inc. for
Approval of Extension of Time of Exemption from Developing
Company Specific Cost-Based Switched Access Rates.

On April 24, 2001 the Commission granted Midstate Telecom, Inc (Midstate) a Certificate of Authority to provide local exchange services and granted Midstate a one year exemption from establishing company specific cost-based switched access rates. On April 2, 2002, Midstate filed for a three year exemption from filing cost-based switched access rates.

Staff Analyst: Keith Senger
Staff Attorney: Karen Cremer
Date Docketed: 04/02/02
Intervention Deadline: 04/19/02

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

APR 02 2002

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE
APPLICATION OF MIDSTATE
TELECOM, INC. FOR A CERTIFICATE
OF AUTHORITY TO PROVIDE
TELECOMMUNICATIONS SERVICES
IN SOUTH DAKOTA

Docket No. TC01-007

MOTION FOR EXTENSION OF TIME
OF EXEMPTION FROM DEVELOPING
COMPANY SPECIFIC COST-BASED
SWITCHED ACCESS RATES

COMES NOW Midstate Telecom, Inc. (Midstate), by and through its attorney, Darla Pollman Rogers, of Meyer & Rogers, P.O. Box 1117, Pierre, South Dakota 57501, and moves the Public Utilities Commission (Commission) for an extension of the one-year exemption from developing company specific cost-based switched access rates granted by the Commission in its Order dated April 24, 2001. This Motion is based on the following:

1. On January 18, 2001, Midstate filed an application for a certificate of authority to provide telephone service in the city of Chamberlain, South Dakota. Within said application, Midstate requested an exemption from the requirement to develop intrastate switched access rates based on company specific costs, pursuant to ARSD 20:10:27:11.

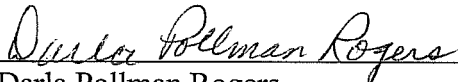
2. On April 24, 2001, the Commission granted Midstate's application for a certificate of authority, and also ordered that "Midstate's petition to be exempt from establishing company specific cost-based switched access rates is granted for one year, and its intrastate switched access tariff no. 1 is approved."

3. Due to various other business decisions, Midstate did not offer services to customers in Chamberlain until March of 2002.

4. Because of the delay in offering services, Midstate will not have data upon which to develop company specific cost-based switched access rates.

5. Accordingly, Midstate requests the Commission to extend the time of its exemption from developing company specific cost-based switched access rates for a period of three years, and to approve the current intrastate switched access tariff, and any subsequently filed tariffs, for said three-year period.

DATED this 2nd day of April, 2002.



Darla Pollman Rogers
Attorney for Midstate Telecom, Inc.
Meyer & Rogers
P. O. Box 1117
Pierre, South Dakota 57501
Telephone (605) 224-7889

RECEIVED

APR 02 2002

Meyer & Rogers

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

—ATTORNEYS AT LAW—

P.O. BOX 1117 • 320 EAST CAPITOL • PIERRE, SOUTH DAKOTA 57501-1117 • TELEPHONE 605-224-7889 • FACSIMILE 605-224-9060

BRIAN B. MEYER
DARLA POLLMAN ROGERS

April 2, 2002

Deb Elofson, Executive Director
South Dakota Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, South Dakota 57501

Re: Docket Number TC01-007

Dear Deb:

Please find enclosed herein original and ten copies of Midstate Telecom, Inc.'s MOTION FOR EXTENSION OF TIME OF EXEMPTION FROM DEVELOPING COMPANY SPECIFIC COST-BASED SWITCHED ACCESS RATES for filing in the above-referenced docket.

Sincerely yours,



Darla Pollman Rogers
Attorney at Law

DPR/ph

Enclosures

CC: Mark Benton
Dean Uher