

KC/H7

TC02-177

In the Matter of IN THE MATTER OF THE FILING BY
 MIDCONTINENT COMMUNICATIONS,
 INC. FOR APPROVAL OF ITS
 INTRASTATE SWITCHED ACCESS
 TARIFF AND FOR AN ^{Extension of an} EXEMPTION
 FROM DEVELOPING COMPANY
 SPECIFIC COST-BASED SWITCHED
 ACCESS RATES

Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
11/1 02	<i>Filed and docketed;</i>
11/7 02	<i>Weekly filings;</i>
12/2 02	<i>Order approving switched access rates and granting Extension from developing</i>
12/2 02	<i>Docket Closed.</i>



410 South Phillips Avenue
Sioux Falls, South Dakota 57104
605/330-4080 • Fax: 605/330-4083

October 31, 2002

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NOV 01 2002

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Ms. Debra Elofson
Executive Secretary
Public Utilities Commission
500 East Capitol Avenue
Pierre, South Dakota 57501

RE: MIDCONTINENT COMMUNICATIONS TARIFF NO. 1

Dear Ms. Elofson:

Enclosed are original and ten copies of a revision to Midcontinent's Switched Access Tariff No. 1.

Midcontinent Communications original filing approved October 20, 2000, was granted the waiver of ARSD 20:10:27:11. Midcontinent Communications now requests approval of revised switched access rates with continued consideration of ARSD 20:10:27:11 being waived.

Midcontinent Communications would also ask the Commission to grant a waiver of ARSD 20:10:27:12 which would require Midcontinent to base its intrastate switched access rates on the costs of all the telecommunications companies with less than 100,000 access lines. Under that rule Midcontinent would be required to charge a substantially higher intrastate switched access rate than the ILEC, Qwest. Midcontinent intends to mirror the switched access tariffed rates of Qwest.

Respectfully Submitted,

Mary Lohnes
Regulatory Affairs Manager
Midcontinent Communications

SOUTH DAKOTA SWITCHED ACCESS SERVICES

17. Rates and Charges

17.1 Rates and Charges

17.1.1 Carrier Common Line Access Service

Rate

Regulations concerning Carrier Common Line Access are set forth in Section 3. Preceding.

Per Access Minute

\$0.038905 I

17.1.2 Reserved for Future Use

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**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

SOUTH DAKOTA SWITCHED ACCESS SERVICES

17. Rates and Charges (Cont'd)

17.2 Switched Access Service

17.2.1 Nonrecurring Charges

Rate

(A) <u>Local Transport Element – Installation Per Line or Trunk</u>	\$ 295.00
(B) <u>Reserved for Future Use</u>	
(C) <u>Interim NXX Translation Per Order</u>	\$ 181.00

17.2.2 Traffic Sensitive

Local Switching (End Office)

Per Access Minute \$ 0.008610 R

Local Transport

Originating \$ 0.000000 R

Terminating \$ 0.000000

Tandem Switching

Originating \$ 0.007700 N

Terminating \$ 0.007700 N

Network Blocking Per Blocked Call

Applies to FGD only \$ 0.027100

8XX Data Base Query Service

Per Query

Basic POTS Translation Charge \$ 0.003665 R

Call Handling and Destination Charge \$ 0.000694 N

800 Carrier Identification Charge per Call \$ 0.003312 N

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of October 31, 2002 through November 6, 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

CT02-044 In the Matter of the Complaint filed by Sandy Fenhaus on behalf of Headlines Academy, Inc., Rapid City, South Dakota, against McLeodUSA Telecommunications Services, Inc. Regarding a Contract Dispute.

The Complainant's representative alleges that Headlines Academy, Inc. (Complainant) was informed by McLeodUSA Telecommunications Services, Inc. (McLeod) that Complainant's contract with McLeod had expired. As a result, Complainant's representative believed Complainant was free to switch to another service provider, as it was under no contractual obligation to stay with McLeod. Complainant did switch to another service provider and McLeod then billed it \$3,066.60 for termination liability. Complainant's representative request that Complainant not be charged the \$3,066.60.

Staff Analyst: Amy Kayser
Staff Attorney: Karen Cremer
Date Docketed: 11/05/02
Intervention Deadline: NA

TELECOMMUNICATIONS

TC02-176 In the Matter of the Petition for Arbitration on behalf of WWC License L.L.C. with Certain Independent Local Exchange Companies.

On October 31, 2002, WWC License, L.L.C. (Western Wireless), a commercial mobile radio service provider operating under the trade name CellularOne, filed for the Commission to arbitrate the unresolved issues remaining after negotiations for an interconnection agreement between Western Wireless and the small independent, cooperative, and municipal local exchange companies failed to reach agreement. The unresolved issues are: Scope of Reciprocal Compensation Obligations; Delivery of Land-To-Mobile Traffic; Rates For Reciprocal Compensation; Symmetrical Compensation at a Tandem Rate; Application of Tariffs; Local Numbers; Allocation of Billing Costs; Standard of Service; Usage Levels; Access to Numbering Resources; Dialing Parity; Procedure for Renegotiation; Reciprocal Compensation Credit Factor; Shared Facility Factor; Transit Rates; and Carrier Specific Information. A non-petitioning party may respond to the petition for arbitration and provide additional information by November 25, 2002.

Staff Analyst: Harlan Best
Staff Attorney: Karen Cremer
Date Docketed: 10/31/02
Response by non-petitioning parties due: 11/25/02

TC02-177 In the Matter of the Filing by Midcontinent Communications, Inc. for Approval of its Intrastate Switched Access Tariff and for an Exemption from Developing Company Specific Cost-Based Switched Access Rates.

On November 1, 2002, Midcontinent Communications filed a request for approval of revised switched access rates with continued consideration of ARSD 20:10:27:11 being waived. Midcontinent was granted a waiver of ARSD 20:10:27:11 in its original filing on October 20, 2000. The Applicant has also requested a waiver of ARSD 20:10:27:12. Midcontinent intends to mirror the switched access tariffed rates of Qwest.

Staff Analyst: Heather Forney
Staff Attorney: Karen Cremer
Date Docketed: 11/01/02
Intervention Deadline: 11/22/02

TC02-178 In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and AT&T Communications of the Midwest, Inc.

On November 4, 2002, the Commission received a filing regarding Amendment No. 4 to the Interconnection Agreement between AT&T Communications of the Midwest, Inc. (AT&T) and Qwest Corporation (Qwest). According to the parties, the filing is a Negotiated Agreement between AT&T and Qwest to amend an Agreement approved by the Commission effective March 4, 1999, in Docket No. TC96-184. The Amendment is made in order to add terms, conditions and rates for Local Switching and Unbundling Network Elements Combinations as set forth in Attachments 1, 2 and 3 and Exhibits A, B, and C attached to the Amendment. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than November 25, 2002. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier
Date Docketed: 11/04/02
Initial Comments Due: 11/25/02

TC02-179 In the Matter of the Filing of an Agreement between Qwest Corporation, Including its Controlled Affiliates and McLeodUSA Telecommunications Services, Inc., Including McLeodUSA Incorporated and its Controlled Affiliates.

On October 15, 2002, Qwest Corporation (Qwest) submitted a copy of a contract dated September 19, 2002, between Qwest Corporation, including its controlled affiliates (collectively QC) and McLeodUSA Telecommunications Services, Inc., including McLeodUSA Incorporated and its controlled affiliates (collectively McLeod) with the Commission. The contract regards resolution of disputes and claims between QC and McLeod arising under certain Interconnection Agreements in 14 states, billing disputes and the SMDR function of Centrex Plus service. Based on Qwest's

interpretation of the Federal Communications Commission's Order released October 4, 2002, in WC Docket No. 02-089, the contract was not filed pursuant to section 252(e) of the 1996 Telecommunications Act, and was submitted by Qwest as an informational filing. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than November 19, 2002. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier
Staff Analyst: Heather Forney
Date Docketed: 11/06/02
Initial Comments Due: 11/19/02

TC02-180 In the Matter of the Filing of an Agreement between Qwest Communications Corporation, Including its Controlled Affiliates and McLeodUSA Telecommunications Services, Inc., Including McLeodUSA Incorporated and its Controlled Affiliates.

On October 15, 2002, Qwest Corporation (Qwest) submitted a copy of a contract dated September 19, 2002, between Qwest Communications Corporation, including its controlled affiliates (collectively QCC) and McLeodUSA Telecommunications Services, Inc., including McLeodUSA Incorporated and its controlled affiliates (collectively McLeod) with the Commission. The contract regards resolution of disputes and claims between QCC and McLeod arising under two separate 10/02/00 Purchase Agreements and a 12/31/01 Confidential Billing Settlement Agreement. Based on Qwest's interpretation of the Federal Communications Commission's Order released October 4, 2002, in WC Docket No. 02-089, the contract was not filed pursuant to section 252(e) of the 1996 Telecommunications Act, and was submitted by Qwest as an informational filing. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than November 19, 2002. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier
Staff Analyst: Heather Forney
Date Docketed: 11/06/02
Initial Comments Due: 11/19/02

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

IN THE MATTER OF THE FILING BY)	ORDER APPROVING
MIDCONTINENT COMMUNICATIONS, INC.)	SWITCHED ACCESS RATES
FOR APPROVAL OF ITS INTRASTATE)	AND GRANTING
SWITCHED ACCESS TARIFF AND FOR AN)	EXTENSION FROM
EXTENSION OF AN EXEMPTION FROM)	DEVELOPING COMPANY
DEVELOPING COMPANY SPECIFIC COST-)	SPECIFIC COST-BASED
BASED SWITCHED ACCESS RATES)	SWITCHED ACCESS RATES
)	TC02-177

On November 1, 2002, the Public Utilities Commission (Commission) received a request from Midcontinent Communications (Midcontinent) for approval of revised switched access rates and an additional extension of its exemption from the requirement to develop intrastate switched access rates based on company specific costs. Midcontinent intends to mirror the switched access rates of Qwest.

On November 20, 2002, the Commission considered Midcontinent's request for approval of revised switched access rates and an additional extension of its exemption from establishing switched access rates based on company specific costs. The Commission has jurisdiction over this matter pursuant to SDCL 49-31-18, 49-31-19, ARSD 20:10:27:11 and 20:10:27:12. The Commission voted to grant the request for approval of revised switched access rates and an additional extension of its exemption from the requirement to develop intrastate switched access rates based on company specific costs. The Commission further ordered that Midcontinent, within three years of the date of this Order, file a petition to continue the exemption granted in this proceeding or file cost-based rates. It is therefore

ORDERED, that Midcontinent's request for approval of revised switched access rates to mirror Qwest's intrastate switched access tariff rate is hereby approved; and it is further

ORDERED, that Midcontinent's request for an additional extension of its exemption from establishing company specific cost-based switched access rates is hereby granted; and it is further

ORDERED, that Midcontinent 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 2nd day of December, 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><i>Delaine Kelbo</i></u>
Date: <u>12/2/02</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