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November 11, 2008

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**VIA EMAIL TO [PATTY.VANGERPEN@STATE.SD.US](mailto:PATTY.VANGERPEN@STATE.SD.US)**

Ms. Patricia Van Gerpen  
South Dakota Public Utilities Commission  
Capitol Building, 1st Floor  
500 East Capitol Avenue  
Pierre, SD 57501-5070

RE: *TC08-00 – In the Matter of the Petition of Orbitcom, Inc. for Amendment and Approval of Its Intrastate Tariff*


Dear Ms. Van Gerpen:

Enclosed for filing in the above matter, please find Orbitcom, Inc.'s Petition for Amendment and Approval of its Intrastate Tariff. Should you have any questions or concerns, please do not hesitate to contact me.

Thank you for your assistance.

Sincerely,

CUTLER & DONAHOE, LLP



Merédith A. Moore  
For the Firm

MAM/cmc  
Enclosure

cc: Mr. Brad VanLeur (via email)  
Mr. Michael Powers (via email)  
Mr. Matthew Meert (via email)

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

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IN THE MATTER OF THE PETITION OF ORBITCOM, INC. FOR AMENDMENT AND APPROVAL OF ITS INTRASTATE TARIFF	TC08-  <b>PETITION</b>
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Comes Now Orbitcom, Inc. (“Orbitcom”) f/k/a VP Telecom, Inc., and pursuant to SDCL § 49-31-12.4 and A.R.S.D. 20:10:27:12, hereby submits this Petition for amendment of its existing switched access tariff:

1. Orbitcom is a competitive local exchange carrier (“CLEC”) engaged in the provisioning of telephone exchange service in the State of South Dakota pursuant to a certificate of convenience and necessity granted by the South Dakota Public Utilities Commission (the “Commission”). Orbitcom provides local originating and terminating and switched access services and competes with Qwest Corporation in its certificated service territories in South Dakota.

2. On August 15, 2002, Orbitcom filed with this Commission a petition for approval of its intrastate switched access tariff. Orbitcom also sought a waiver of the requirements of A.R.S.D. §§ 20:10:27:11 and 20:10:27:12, effectively requesting relief from the requirements of establishing its switched access rates based on company specific costs. This Commission granted the request on October 28, 2002, thereby granting Orbitcom the authority to mirror the rates of Qwest Corporation. Since that time, Orbitcom has taken the appropriate steps to maintain its tariff and the corresponding exemption.

3. Consistent with those reasons set forth in its previous applications for an exemption from the requirement of A.R.S.D. 20:10:27:12 to develop company specific cost-based intrastate switched access rates, Orbitcom cannot develop a satisfactory cost basis to establish company-specific costs to determine switched access rates. Orbitcom does not have the internal expertise or resources necessary to determine such intrastate switched access rates. Accordingly, the costs of attempting to develop such rates would result in significant cost to Orbitcom, which cost greatly outweighs the benefits to any customer.

4. Orbitcom requests that it be allowed to mirror switched access rates employed by other competitive local exchange carriers (“CLECs”) which are similarly situated to Orbitcom. Specifically, Orbitcom seeks to amend its tariff intrastate switched access rate for all originating and terminating intrastate Access Minutes from its current rate, which mirrors the Qwest rate, to \$0.115. This proposed rate would include a rate component for Carrier Common Line Access Service per Access Minute, Local Switching per Access Minute and Local Transport per Access Minute. A copy of the existing tariff pages which Orbitcom seeks to amend, specifically Original Page Nos. 66, 67, and 68 are attached hereto as Exhibit A. No rate modifications have yet been made.

Based upon the foregoing, Orbitcom respectfully requests that this Commission grant its request to mirror the switched access requests of similarly situated CLECs and approve its revised tariff reflecting the same.

Dated this 11th day of November, 2008.

CUTLER & DONAHOE, LLP  
Attorneys at Law

A handwritten signature in cursive script, reading "Meredith A. Moore", is written over a horizontal line.

Meredith A. Moore  
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## **EXHIBIT A**

## Switched Access Services

**Section 15 – Rates and Charges (Continued)****15.1 Rates for Switched Access Services (Continued)****15.1.3 Rates and Charges****15.1.3.1 Service Implementation****Installation Charge – Per Trunk  
Non-recurring Charge**

<b>DS1</b>	\$0.00
<b>DS3</b>	\$0.00

**15.1.3.2 Change Charges (Per Order)****Per Occurrence**

<b>Service Date</b>	\$0.00
<b>Design Changes</b>	\$0.00
<b>Expedite Charge</b>	\$0.00

**15.1.3.3 Cancellation Charges****Per Order**

\$0.00

**15.1.3.4 Switched Access****15.1.3.4.1 Local Switching  
Feature Groups B & D****Per Access Minute of Use**

<b>Originating</b>	\$0.008610
<b>Terminating</b>	\$0.008610

Issued: \_\_\_\_\_

Effective: \_\_\_\_\_

Issued By:

Brad VanLeur, President  
OrbitCom, Inc.  
1701 N. Louise Ave.  
Sioux Falls, SD 57107  
605-977-6900

## Switched Access Services

**Section 15 – Rates and Charges (Continued)****15.1.3 Rates and Charges (Continued)****15.1.3.4.2 Carrier Common line Rates****Per Access Minute of Use**

<b>Originating</b>	\$0.038905
<b>Terminating</b>	\$0.038905

**15.1.3.4.3 Switched Transport Usage Rates**

	<b><u>Access Rate Per Minute</u></b>	<b><u>Access Rate Per Mile</u></b>
<b>Local Transport</b>		
<b>Originating</b>	\$0.0000000	\$0.0000000
<b>Terminating</b>	\$0.0000000	\$0.0000000
<b>Tandem Switching</b>		
<b>Originating</b>	\$0.007700	\$0.007700
<b>Terminating</b>	\$0.007700	\$0.007700
<b>Tandem Transport Originating &amp; Terminating Per Minute</b>		
Between 0 and 8 miles	\$0.000237	\$0.000015
Over 8 to 25 Miles	\$0.000273	\$0.000018
Over 26 to 50 Miles	\$0.000308	\$0.000019
Over 50 miles	\$0.000311	\$0.000020

**Interconnection Charge**

<b>Originating</b>	\$0.004681
<b>Terminating</b>	\$0.004681

Issued: \_\_\_\_\_

Effective: \_\_\_\_\_

Issued By:

Brad VanLear, President  
OrbitCom, Inc.  
1701 N. Louise Ave.  
Sioux Falls, SD 57107  
605-977-6900

State of South Dakota  
 Issued: August 6, 2002

Original Page No. 68  
 Effective: September 9, 2002

Switched Access Services

**Section 15 – Rates And Charges (Continued)**

**15.1.3.4.4**

**Direct Trunked Transport**

	<b>Monthly Recurring Rate</b>	
	<b>Fixed</b>	<b>Per Mile</b>
DS1	\$0.00000	\$0.00000
DS3	\$0.00000	\$0.00000

**15.1.4 800 Number Portability Access**

<b>800 POTS Translation Charge</b>	\$0.003665
<b>Call Handling and Destination Charge</b>	\$0.000694
<b>800 Carrier Identification Charge Per Call</b>	\$0.003312

**15.2 Non Routine Installation / Maintenance Charges**

As stated in 2.9, at the Customer's request installation and/or maintenance may be performed outside the Company's regular business hours or in hazardous locations. In that case, the following rates apply:

<b>Basis Time – per quarter hour:</b>	\$0.00
<b>Overtime – per quarter hour:</b>	\$0.00
<b>Premium Time – per quarter hour:</b>	\$0.00

**15.3 Individual Case Basis Arrangements**

Arrangements will be developed on a case-by-case basis in response to a bona fide request from a Customer or Prospective Customer to develop a competitive bid for a Service offered under this Tariff. Rates quoted in response to such a competitive requests may be different than those specified for such Service in this Tariff. ICB rates will be offered to the Customer in writing. Notice of such arrangements will be provided to the Commission according to Commission rules.

Issued: \_\_\_\_\_

Effective: \_\_\_\_\_

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 Sioux Falls, SD 57107  
 605-977-6900