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November 13, 2008

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VIA EMAIL TO 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: *TC08-128 – In the Matter of the Petition of Orbitcom, Inc. for Amendment and Approval of Its Intrastate Tariff*

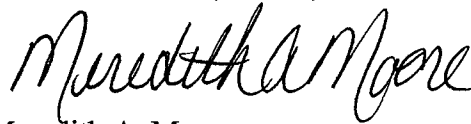
Dear Ms. Van Gerpen:

Enclosed for filing in the above matter, please find Orbitcom, Inc.'s Supplemental Petition. Should you have any questions or concerns, please do not hesitate to contact me.

Thank you for your assistance.

Sincerely,

CUTLER & DONAHOE, LLP



Meredith 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**

IN THE MATTER OF THE PETITION OF
ORBITCOM, INC. FOR
AMENDMENT AND APPROVAL
OF ITS INTRASTATE TARIFF AND FOR
EXEMPTION FROM DEVELOPING
COMPANY SPECIFIC COST-BASED
SWITCHED ACCESS RATES

TC08-128

SUPPLEMENTAL PETITION

Comes Now Orbitcom, Inc. (“Orbitcom”) f/k/a VP Telecom, Inc., and pursuant to SDCL § 49-31-12.4 and A.R.S.D. 20:10:27:11 and 20:10:27:12, hereby submits this Supplemental Petition:

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”).

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. The most recent Order Granted Extension from Developing Company Specific Cost-Based Switched Access Rates was entered by this Commission in 2005 in Docket No. TC 05-192. That order specifically stated that “Orbitcom is approved for an extension of its

exemption from establishing company specific cost-based switched access rates so long as Orbitcom's intrastate switched access rate is equal to or less than that of the ILEC Qwest intrastate switched access rate or until the Commission shall otherwise order. On November 12, 2008, Orbitcom filed a Petition for Amendment and Approval of Its Access Tariff and seeking to establish a rate different than that of Qwest's current rate. Accordingly, Orbitcom now files this Supplemental Petition in conjunction with that Petition filed on November 12, 2008, seeking amendment of its Intrastate Access Tariff and seeking an exemption from the requirements of A.R.S.D. § 20:10:27:11.

4. Consistent with those reasons set forth in its previous applications for an exemption from the requirement of A.R.S.D. §§ 20:10:27:11 and 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.

WHEREFORE, Orbitcom requests that it be granted a continued exemption from the requirements of A.R.S.D. § 20:10:27:11 and that it be granted an exemption such as to allow it to mirror rates different than those of Qwest, and such other relief as previously set forth in its prior Petition filed in this docket. 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 13th day of November, 2008.

CUTLER & DONAHOE, LLP
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served electronically on the 13th day of November, 2008, upon the following:

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