

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

IN THE MATTER OF THE FILING BY)	TC09-014
SSTELECOM, INC. FOR AN EXTENSION)	
OF AN EXEMPTION FROM DEVELOPING)	MIDCONTINENT'S MOTION
COMPANY SPECIFIC COST-BASED)	FOR EVIDENTIARY HEARING
SWITCHED ACCESS RATES)	

COMES NOW Midcontinent Communications ("Midcontinent") and moves the Commission to conduct an evidentiary hearing on the factual and legal issues presented by this docket, as follows:

1. SSTELECOM is a CLEC authorized to do business in the Qwest exchanges. Midcontinent competes with SSTELECOM in the Milbank exchange. By its order of May 8, 2009, the Commission granted temporary approval of SSTELECOM's then existing switched access rate. Telecommunications law at both the Federal and State level recognizes no distinction among CLECs. In Docket TC07-117 the Commission declined to approve Midcontinent's cost study and ordered Midcontinent to continue charging as its switched access rate the incumbent rate. The Commission has established a precedent, based upon Commission Staff advocacy, of requiring CLECs to adopt the incumbent switched access rate. Midcontinent believes that SSTELECOM, and similarly-situated CLECs, should likewise be required to utilize the incumbent switched access rate.

2. Midcontinent's previous motion mistakenly overlooked the Commission's order approving interim rates. Midcontinent requests that the commission address the issue of uniform CLEC switched access rates in this docket for the reasons identified in its motions in dockets TC09-009, TC09-022 and TC09-031.

WHEREFORE Midcontinent prays that the Commission set this matter down for an evidentiary hearing to permit the Commission to receive evidence on the issues raised by this motion.

Dated this 18th day of June, 2009.

MAY, ADAM, GERDES & THOMPSON LLP

BY: ***/s/ David A. Gerdes***

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CERTIFICATE OF SERVICE

Brett Koenecke of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 18th day of June, 2009, he filed electronically and e-mailed a true and correct copy of the foregoing in the above-captioned action to the following at their last known addresses, to-wit:

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