

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE  
INVESTIGATION OF PRICING  
REGULATION FOR SWITCHED ACCESS  
SERVICES PROVIDED BY COMPETITIVE  
LOCAL EXCHANGE CARRIERS

TC10-014

**NORTHERN VALLEY  
COMMUNICATIONS, L.L.C.'S  
JOINDER IN QWEST'S MOTION TO  
ADOPT PRICE REGULATION OF  
SWITCHED ACCESS SERVICES FOR  
CLECS, TO SUSPEND DEADLINE FOR  
REPLY TESTIMONY, AND TO DEFINE  
FURTHER PROCEEDINGS**

Northern Valley Communications, L.L.C. ("NVC"), hereby joins Qwest's April 12, 2010, Motion to Adopt Price Regulation of Switched Access Services for CLECs, to Suspend Deadline for Reply Testimony and Define Further Proceedings. This is based on the following:

1. The Commission's Order of January 27, 2010. This Order opened this docket and provided as follows:

ORDERED, that a docket *to investigate whether pricing regulation is appropriate* for switched access services provided by competitive local exchange companies is hereby opened; (emphasis added)

2. The Commission's Order dated March 18, 2010. This Order provided as follows:

*The issue at the hearing is to consider whether pricing regulation is appropriate* for switched access services provided by competitive local exchange companies. (emphasis added)

Therefore, the narrow and singular issue identified in both orders is simply "whether pricing regulation is appropriate" for competitive local exchange companies ("CLECs"). As set forth by Qwest in its motion, all parties agree pricing regulation is appropriate. Therefore, NVC urges the Commission to enter its Order determining that pricing regulation for CLECs is appropriate, which would complete this docket matter.

In its response to the Qwest motion, Verizon argues that, since the Commission made

reference to SDCL 49-31-4.1 in its request to open this docket, it somehow opens this docket to the "methods of pricing regulation." However, Verizon's reliance on the Commission's reference to SDCL 49-31-4.1 in its request to open this docket ignores the fact that this Commission's Order of March 18, 2010, narrowed the scope to the "issue" of "whether pricing regulation is appropriate" for CLECs. The Commission has the inherent authority to determine the scope of its proceedings (SDCL 49-1-9) and did so in the March 18, 2010, Order. The fact the some parties filed testimony beyond the scope of this one issue does not expand the scope of this docket.

WHEREFORE, NVC respectfully requests the Commission adopt Qwest's suggestion and that it enter an Order as follows:

1. Find that pricing regulation is appropriate for switched access services provided by competitive local exchange companies;
2. Close this docket; and
3. Open an appropriate rulemaking docket to establish the form and method of price regulation for CLECs.

Dated this 15th day of April 2010.

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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 15th day of April 2010 upon the following:

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