

**BEFORE THE  
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE FILING BY  
MIDSTATE TELECOM, INC. FOR  
APPROVAL OF REVISIONS TO ITS  
TARIFF NO. 2**

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**RESPONSE TO STAFF'S DATA  
REQUEST**

**TC13-052**

Midstate Telecom, Inc. ("Midstate"), by and through its attorney, responds to Staff's Data Requests as follows:

- 1-1) **Please submit a request for a waiver of "20:10:27:02.01. Determination of intrastate switch access charges for competitive local exchange carriers. A competitive local exchange carrier shall charge intrastate switched access rates that do not exceed the intrastate switched access rate of the Regional Bell Operating Company operating in the state." This is necessary because the NECA rates are higher than the Qwest rates.**

Midstate Telecom does not believe it is necessary to request a waiver of ARSD 20:10:27:02.01. The application of this rule to terminating intrastate access rates was preempted by the FCC's Order 11-161 (USF/ICC Transformation Order), as has been recognized by the Commission. In docket TC12-102, the Commission found that Midstate Telecom "correctly calculated its transitional intrastate terminating rate as required by the FCC." The rate that was approved by the Commission was higher than the RBOC rate, but the Commission did not require a waiver of ARSD 20:10:27:02.01 in docket TC12-102, since the approved rate followed FCC rules. The revised tariff page for which Midstate Telecom is requesting approval in this docket is the second step in the FCC's mandated downward transition to bill and keep, and a waiver is not necessary in this docket, for the reasons recognized by the Commission in Docket TC12-102.

Dated this 26<sup>th</sup> day of July, 2013.

Respectfully submitted,

*Darla Pollman Rogers*

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Response to Staff's Data Request was served on the following:


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Dated this 26<sup>th</sup> day of July, 2013.

  
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Darla Pollman Rogers