
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE
APPLICATION BY SOUTH DAKOTA
NETWORK, LLC FOR APPROVAL OF
WAIVER OF SWITCHED ACCESS COST
STUDY

Docket No. _____

APPLICATION FOR WAIVER OF
SWITCHED ACCESS COST STUDY

South Dakota Network, LLC (“SDN”) respectfully requests that the South Dakota Public Utilities Commission (“Commission”) grant a waiver, pursuant to ARSD § 20:10:27:02, of the requirement to perform a switched access cost study. SDN makes this Application based on the following:

1. ARSD § 20:10:27:07 requires a carrier’s carrier to file cost data in support of its switched access service tariff no less than once every three years. ARSD § 20:10:27:02 provides that the Commission may, for good cause shown, either by its own motion or by application from a carrier’s carrier, temporarily waive or suspend any rule in chapter 20:10:27. SDN notes that the Commission has in the past granted such waivers to SDN and other carriers.

2. The Commission approved SDN’s 2001 intrastate switched access rates on October 23, 2003, in Docket TC02-091, after a thorough review of the cost study filed by SDN in that docket. In May of 2005, April of 2008, June of 2011, June of 2014, and June of 2017, SDN applied for a waiver from the requirement to file a cost study, which applications were granted by this Commission. (*See* Dockets TC05-062, TC08-037, TC11-069, TC14-063, and TC17-018).


3. SDN requests a waiver from filing a cost study in 2020, for the following reasons:

- (a) SDN has a pending case before the United States Court of Appeals for the District of Columbia concerning its status, the outcome of which will likely affect SDN's intrastate access rates.
- (b) Developing a cost study and having it reviewed by the Commission is costly and consumes a great deal of time and resources. Neither SDN nor Commission Staff have the internal expertise necessary to determine and analyze cost-based intrastate access rates, so both would need to engage the services of outside consultants. This additional expense would not result in any meaningful benefit to consumers of SDN's services; and
- (c) SDN does not intend to increase access rates at this time.

WHEREFORE, SDN requests the Commission waive or suspend the requirements in ARSD § 20:10:27:07 for the current period, based on the good cause recited above.

DATED this 29th day of June, 2020.

RITER ROGERS, LLP



Darla Pollman Rogers
PO Box 280
Pierre, SD 57501
Telephone (605) 227-7889
dprogers@riterlaw.com
Attorney for SDN