

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

IN THE MATTER OF THE FILING BY)
MCLEODUSA TELECOM DEVELOPMENT, INC.)
FOR APPROVAL OF ITS INTRASTATE)
SWITCHED ACCESS TARIFF AND FOR AN)
EXEMPTION FROM DEVELOPING COMPANY)
SPECIFIC COST-BASED SWITCHED ACCESS)
RATES)

**ORDER GRANTING
PETITION FOR WAIVER**

TC02-017

On February 19, 2002, the Public Utilities Commission (Commission) received a petition from McLeodUSA Telecom Development, Inc. (McLeod) for approval of its intrastate switched access tariff no. 1 which is concurrent with the rates, terms, and conditions of the current Qwest tariff no. 1. Additionally, McLeod requested an exemption from the requirement to develop intrastate switched access rates based on company specific costs. On March 15, 2002, the Commission received a revised petition from McLeod requesting a waiver of the use of the formula in ARSD 20:10:27:12, so as to mirror the Qwest Corporation tariffed access rates.

On April 17, 2002, the Commission considered McLeod's request for approval of its intrastate switched access tariff no. 1, an exemption from establishing switched access rates based on company specific costs, and a waiver of the use of the formula in ARSD 20:10:27:12, so as to mirror the Qwest Corporation tariffed access rates. The Commission has jurisdiction over this matter pursuant to SDCL 49-31-18, 49-31-19, ARSD 20:10:27:11 and ARSD 20:10:27:12. The Commission voted to grant the petition, as revised, for exemption from developing company specific cost-based switched access rates pursuant to ARSD 20:10:27:11, grant a waiver of the use of the formula in ARSD 20:10:27:12, so as to mirror the Qwest Corporation tariffed access rates, and approve McLeod's intrastate switched access tariff no. 1. The Commission further ordered that McLeod, within three years of the date of this Order, file a petition to continue the exemption granted in this proceeding or file cost-based rates. The Commission voted to grant the petition, as revised, for exemption as conditioned herein and approve the tariff. It is therefore

ORDERED, that McLeod's petition, as revised, to be exempt from establishing company specific cost-based switched access rates is granted, its request for a waiver of the use of the formula in ARSD 20:10:27:12, so as to mirror the Qwest Corporation tariffed access rates is granted, and its intrastate switched access tariff no. 1 is approved; and it is further

ORDERED, that McLeod shall, within three years of the date of this Order, file a petition to continue the exemption granted in this proceeding or file cost-based intrastate switched access rates.

Dated at Pierre, South Dakota, this 19th day of April, 2002.

CERTIFICATE OF SERVICE	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u>Melaine Kolbo</u>
Date:	<u>4/23/02</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Robert K. Sahr
ROBERT K. SAHR, Commissioner