

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

<b>IN THE MATTER OF THE FILING BY )</b>	<b>ORDER GRANTING</b>
<b>DAKOTACOMM, LLC FOR APPROVAL OF ITS )</b>	<b>PETITION FOR WAIVER</b>
<b>INTRASTATE SWITCHED ACCESS TARIFF )</b>	
<b>AND FOR AN EXEMPTION FROM )</b>	<b>TC04-222</b>
<b>DEVELOPING COMPANY SPECIFIC COST- )</b>	
<b>BASED SWITCHED ACCESS RATES )</b>	

On November 9, 2004, the Public Utilities Commission (Commission) received a petition from DakotaComm, LLC (DakotaComm) for approval of its Intrastate Switched Access Tariff No. 1 which is concurrent with the rates, terms, and conditions of the current LECA tariff no. 1, with the exception of the switched access rates, which are based upon a statewide average. Additionally, DakotaComm requested an exemption from the requirement to develop intrastate switched access rates based on company specific costs.

On December 14, 2004, the Commission considered DakotaComm's request for an exemption from developing company specific cost-based switched access rates in accordance with ARSD 20:10:27:11 and for approval of its Intrastate Switched Access Tariff No. 1. Commission Staff recommended approval of the exemption and tariff rate subject to refund, with interest, should the final LECA rate be lower than the currently effective interim rate. 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 for exemption from developing company specific cost-based switched access rates pursuant to ARSD 20:10:27:11 and approve DakotaComm's Intrastate Switched Access Tariff No. 1 subject to refund, with interest, should the final rate be lower than the interim rate. The Commission further ordered that DakotaComm, 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. It is therefore

ORDERED, that DakotaComm's petition to be exempt from developing company specific cost-based switched access rates is granted; and it is further

ORDERED, that DakotaComm's Intrastate Switched Access Tariff No. 1 is approved as filed, subject to refund, with interest, should the final rate be lower than the interim rate; and it is further

ORDERED, that DakotaComm 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 17th day of December, 2004.

**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: \_\_\_\_\_

Date: \_\_\_\_\_

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

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ROBERT K. SAHR, Chairman

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GARY HANSON, Commissioner