

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

IN THE MATTER OF THE ESTABLISHMENT OF) SWITCHED ACCESS REVENUE) REQUIREMENT FOR VIVIAN TELEPHONE) COMPANY)	ORDER DENYING INTERVENTION TC04-121
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On July 1, 2004, Vivian Telephone Company (Vivian) filed for approval by the Public Utilities Commission (Commission) its 2003 Intrastate Switched Access Cost Study. On July 9, 2004, Vivian filed additional data regarding its 2003 Intrastate Switched Access Cost Study.

On July 8, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of July 23, 2004, to interested individuals and entities. On August 31, 2005, the Commission received Petitions to Intervene from MCI/metro Access Transmission Services, LLC (MCI) and Midcontinent Communications (Midcontinent). On September 16, 2005, the Commission received Joint Answers of LECs to MCI and Midcontinent's Petitions to Intervene. On September 19, 2005, the Commission received a Petition to Intervene from AT&T Communications of the Midwest, Inc. (AT&T). On September 23, 2005, the Commission received a Joint Answer of LECs to AT&T's Petitions to Intervene. On September 26, 2005, the Commission received Staff's Response to MCI, Midcontinent and AT&T's Petitions to Intervene.

The Commission has jurisdiction over this matter pursuant to SDCL 1-26-17.1, 49-1A-9, 49-31-12.6, 49-31-18, 49-31-19 and ARSD 20:10:01:15.02, 20:10:01:15.05, 20:10:27:07 and 20:10:27:08.

At a regularly scheduled meeting of September 27, 2005, the Commission found that the Petitions to Intervene were not timely filed. It is therefore

ORDERED, that the Petitions to Intervene of MCI, Midcontinent and AT&T are hereby denied.

Dated at Pierre, South Dakota, this 17th day of October, 2005.

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 Kalbo</u>
Date: <u>10/5/05</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Robert K. Sahr
ROBERT K. SAHR, Commissioner

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner