

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

**IN THE MATTER OF THE PETITION OF) ORDER FOR AND NOTICE
MIDCONTINENT COMMUNICATIONS FOR) OF HEARING
APPROVAL OF SWITCHED ACCESS RATES) TC07-117**

On October 31, 2007, Midcontinent Communications (Midcontinent) filed with the Public Utilities Commission (Commission) a petition (Petition) requesting (i) a waiver, pursuant to ARSD 20:10:27:02, from the requirement of ARSD 20:10:27:07 to file a company-specific cost study in support of its switched access rates, (ii) approval of switched access rates that mirror rates of similarly situated CLECs and (iii) approval of the switched access tariff sheets submitted with the petition incorporating the rates approved by the Commission.

On November 1, 2007, the Commission electronically transmitted notice of the filing and the intervention deadline of November 16, 2007, to interested individuals and entities. No petitions to intervene or comments were filed.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31. The Commission may rely upon any or all of these or other laws of this state in making its determination.

A hearing will be held on this matter on August 5, 2008, with marking of exhibits to begin at 8:30 a.m. and the hearing to begin at 9:00 a.m., in the Visitors Center, 650 East Capitol, Pierre, South Dakota.

The issues to be determined by the Commission as a result of the hearing include:

1. Whether an exemption should be granted to Midcontinent, pursuant to ARSD 20:10:27:11 through 20:10:27:13, from the requirement of ARSD 20:10:27:07 to file a company-specific cost study in support of its switched access rates, or will the Commission approve Midcontinent's cost study and waive relevant sections of ARSD Chapters 20:10:27, 20:10:28 and 20:10:29?
2. If an exemption is granted, what switched access rates should be approved for Midcontinent, or will the Commission approve Midcontinent's cost study and waive relevant sections of ARSD Chapters 20:10:27, 20:10:28 and 20:10:29?
3. Whether the switched access tariff sheets submitted with the Petition should be approved with incorporation of the rates approved by the Commission or whether alternative tariff language should be required.
4. If an exemption is not granted by the Commission, what action shall the Commission take consistent with SDCL 49-31-19 and 49-31-12.4?

The hearing will be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All persons testifying will be subject to cross-examination by the parties. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights may be forfeited if not exercised at the hearing. If a party or its representative fails to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence

provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission will determine the issues set forth above. The Commission's Final Decision may be appealed by the parties to the circuit court as provided by law.

It is therefore

ORDERED, that a hearing shall be held at the time and place specified above on the issues set forth above.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 16th day of July, 2008.

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, electronically.
By: <u><i>Dulaine Kolbo</i></u>
Date: _____
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner