

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

**IN THE MATTER OF THE FILING BY IONEX)
COMMUNICATIONS NORTH, INC. DBA BIRCH)
COMMUNICATIONS FOR APPROVAL OF ITS)
ACCESS SERVICES TARIFF)
)**

**ORDER GRANTING
APPROVAL OF SWITCHED
ACCESS TARIFF REVISION**

TC09-096

On October 16, 2009, Ionex Communications North, Inc. dba Birch Communications (Ionex) filed an access replacement tariff on behalf of Ionex. This South Dakota Tariff No. 6, issued by Ionex cancels and replaces in its entirety, South Dakota PUC Access Services Tariff No. 5, issued by Ionex. The Company requests an effective date of November 18, 2009. On November 4, 2009, the Commission received replacement pages to the access replacement tariff originally filed on October 16, 2009, on behalf of Ionex. The Company has decided to remove the CMRS provisions from the proposed tariff. The Company again respectfully requests an effective date of November 18, 2009. On March 23, 2010, the Commission received replacement pages to the access replacement tariff originally filed on October 16, 2009, on behalf of Ionex. As requested by PUC Staff, this filing adjusts the switched access rates to be at or lower than Qwest Corporations (Qwest).

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31.

At its regularly scheduled meeting of April 6, 2010, the Commission considered this matter. Commission Staff recommended approval of the switched access tariff with the condition that the switched access rates be at or lower than Qwest's and that any charges after November 18, 2009, at a rate higher than the one approved by the Commission at the April 6, 2010, meeting be refunded per SDCL 49-31-12.2. The Commission voted unanimously to approve the switched access tariff with the conditions recommended by Staff. It is therefore

ORDERED, that the switched access tariff revisions are approved with the condition that Ionex be allowed to mirror Qwest's switched access rates and file adjustments to its switched access rates so long as those adjustments mirror Qwest's rates or are lower or until the Commission shall otherwise order; and that Ionex's switched access tariff is approved subject to these conditions and that the difference between the rates charged after November 18, 2009, and what was approved on April 6, 2010, be refunded.

Dated at Pierre, South Dakota, this 8th day of April, 2010.

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>Stephanie Johnson</i></u>
Date: <u>04/08/10</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner