

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

<b>IN THE MATTER OF THE INVESTIGATION ) OF PRICING REGULATION FOR SWITCHED ) ACCESS SERVICES PROVIDED BY ) COMPETITIVE LOCAL EXCHANGE ) CARRIERS )</b>	<b>) ) ) ) )</b>	<b>ORDER FOR AND NOTICE OF PROCEDURAL SCHEDULE AND HEARING  TC10-014</b>
--	----------------------------------	--

On January 5, 2010, Chairman Johnson requested the Commission to open a docket, pursuant to SDCL 49-31-4.1, to consider whether pricing regulation is appropriate for switched access services provided by competitive local exchange companies. SDCL 49-31-4.1 provides that if an investigation conducted by the Commission “indicates that pricing regulation is appropriate for any noncompetitive service because such regulation has a positive impact on universal service and is more reasonable and fair than rate of return regulation, the commission may adopt pricing regulation for any such noncompetitive service.” The Commission unanimously voted to open the docket. The deadline for intervention was February 8, 2010. Initial testimony was due on or before March 9, 2010 and reply testimony was due on or before March 30, 2010.

On February 5, 2010, a Petition to Intervene of MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Service and MCI Communications Services Inc. d/b/a Verizon Business Services (collectively Verizon); and Midcontinent Communications (Midcontinent) was filed. On February 5, 2010, Northern Valley Communications, LLC (Northern Valley) filed a Petition for Leave to Intervene. On February 8, 2010, a Petition to Intervene of AT&T Communications of the Midwest, Inc. (AT&T); SSTELECOM Inc. (SSTELECOM); Sancom, Inc. d/b/a Mitchell Telecom (Sancom); South Dakota Telecommunications Association (SDTA); Sprint Communications Company, LP (Sprint); RC Communications, Inc. (RC Communications); and Midstate Telecom, Inc. (Midstate Telecom) was filed. On February 8, 2010, Qwest Corporation and Qwest Communications Company, LLC (collectively Qwest) filed a Petition for Leave to Intervene. On February 23, 2010, the Commission granted intervention to Verizon, Midcontinent, AT&T, SSTELECOM, Sancom, SDTA, Sprint, RC Communications, Midstate Telecom, Northern Valley and Qwest.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31 and ARSD 20:10:01:15.05.

The procedural schedule shall be as follows:

<b>DATE</b>	<b>PROCEDURAL SCHEDULE</b>
April 1, 2010	Initial Testimony Due
April 29, 2010	Reply Testimony Due
May 19-20, 2010	Hearing

**PLEASE TAKE NOTICE** that a hearing shall be held commencing at 9:00 a.m., with marking of exhibits to begin at 8:00 a.m., on Wednesday, May 19, 2010 and continuing at 9:00 a.m., on May 20, 2010, in Room 414 of the State Capitol, 500 E. Capitol Ave, Pierre, South Dakota. The hearing is open to the public. All persons testifying shall be subject to cross-examination.

The issue at the hearing is to consider whether pricing regulation is appropriate for switched access services provided by competitive local exchange companies.

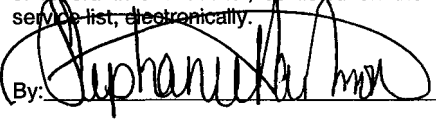
The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear 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 this hearing, the Commission shall determine whether pricing regulation is appropriate for switched access services provided by competitive local exchange carriers. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that the procedural schedule set forth above shall be followed by all parties to these proceedings. It is further

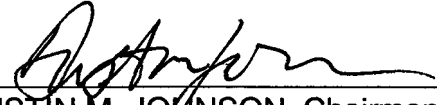
ORDERED, that the hearing shall commence at 9:00 a.m., with marking of exhibits to begin at 8:00 a.m., on Wednesday, May 19, 2010, and continuing at 9:00 a.m., on Thursday, May 20, 2010, in Room 414 of the State Capitol, 500 E. Capitol Avenue, Pierre, South Dakota.

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.

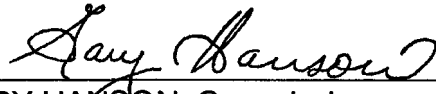
Dated at Pierre, South Dakota, this 18<sup>th</sup> day of March, 2010.

<b>CERTIFICATE OF SERVICE</b>
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></u>
Date: <u>03/18/10</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

  
DUSTIN M. JOHNSON, Chairman

  
STEVE KOLBECK, Commissioner

  
GARY HANSON, Commissioner