

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

**IN THE MATTER OF THE FILING BY MCC  
TELEPHONY OF THE MIDWEST, LLC FOR  
APPROVAL OF ITS INITIAL ACCESS  
SERVICES TARIFF AND WAIVERS AND  
EXEMPTIONS**

)  
)  
)  
)  
)  
)  
)

**ORDER APPROVING  
TARIFF AND GRANTING  
PETITION FOR EXEMPTION  
AND WAIVER**

**TC10-078**

On June 4, 2010, the Public Utilities Commission (Commission) received a petition by MCC Telephony of the Midwest, LLC (MCC) for approval of its Initial Access Services Tariff to be effective on or before July 4, 2010. MCC also petitioned for an exemption from ARSD 20:10:27:11 and a waiver or suspension of ARSD 20:10:27:12, 20:10:27:13, and 20:10:27:07 in order for MCC to set its price for primary intrastate switched access services to mirror the rates established by Qwest Communications, Inc. (Qwest). On June 10, 2010, the Commission electronically transmitted notice of the filing and the intervention deadline of June 28, 2010, to interested individuals and entities. No petitions to intervene or comments were filed.

The Commission finds it has jurisdiction over this matter pursuant to SDCL 49-13-18, 49-31-19 and ARSD 20:10:27.

At its regularly scheduled meeting on July 6, 2010, the Commission considered this matter. Staff recommended approval of MCC's switched access portions of the initial access services tariff. Additionally, Staff recommended the Commission grant exemption from ARSD 20:10:27:11 and waivers of ARSD 20:10:27:12, ARSD 20:10:27:13 and ARSD 20:10:27:07, so long as switched access rates and all related switched access costs be at or below comparable Qwest Corporation rates. The Commission voted unanimously to approve MCC's initial access services tariff and to grant exemption from ARSD 20:10:27:11 and waivers of ARSD 20:10:27:12, ARSD 20:10:27:13 and ARSD 20:10:27:07, so long as switched access rates and all related switched access costs be at or below comparable Qwest Corporation rates. It is therefore

ORDERED that MCC's switched access portions of the initial access services tariff is approved and exemption from ARSD 20:10:27:11 and waivers of ARSD 20:10:27:12, ARSD 20:10:27:13 and ARSD 20:10:27:07 are granted, so long as switched access rates and all related switched access costs be at or below comparable Qwest Corporation rates, to be effective on July 4, 2010.

Dated at Pierre, South Dakota, this 12<sup>th</sup> day of July, 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><i>Anissa Jankiewicz</i></u>
Date: <u>7-12-2010</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