

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

**IN THE MATTER OF THE FILING BY  
MIDSTATE TELECOM, INC. FOR APPROVAL  
OF ITS INTRASTATE SWITCHED ACCESS  
TARIFF AND FOR A PHASE-IN PERIOD**

**ORDER ASSESSING A  
FILING FEE**

**TC11-075**

On June 22, 2011, the Public Utilities Commission (Commission) received an application from Midstate Telecom, Inc. (Midstate) for approval of its new intrastate switched access rates. Per ARSD 20:10:27:02.02, Midstate requested the Commission approve a higher rate than allowed under ARSD 20:10:27:02.01 and filed a cost study in support of the higher rate. Midstate also requested a phase-in period in which their current rate would be approved until November 30, 2011, after which the requested rate would go into effect. On June 23, 2011, the Commission electronically transmitted notice of the filing and the intervention deadline of July 8, 2011. At its regularly scheduled meeting of July 12, 2011, the Commission found that the Petitions to Intervene of MCI Communications Services Inc. d/b/a Verizon Business Services, Midcontinent Communications, Qwest Communications Company, and AT&T Communications of the Midwest Inc demonstrated good cause to grant intervention and voted unanimously to grant the interventions.

SDCL 49-31-12.6 authorizes the Commission to require a deposit of up to one hundred thousand dollars (\$100,000) in the South Dakota Public Utilities Commission's (SDPUC) regulatory assessment fee fund to defray Commission expenses incident to analyzing and ruling upon this type of filing.

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, 20:10:27:02.01, 20:10:27:02.02, and 20:10:27:07.

On July 26, 2011, at its regularly scheduled meeting, the Commission, pursuant to SDCL 49-31-12.6, unanimously voted to assess Midstate Telecom, Inc. a \$1,000 filing fee, subject to additional amounts as requested by the Executive Director up to the statutory limit of \$100,000. It is therefore

**ORDERED**, that Midstate Telecom, Inc. shall deposit an initial assessment of \$1,000 in the SDPUC regulatory assessment fee fund and shall deposit any additional amounts as requested by the Executive Director up to the statutory limit of \$100,000.

Dated at Pierre, South Dakota, this 29<sup>th</sup> day of July, 2011.

<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>Sean O'Connell</i></u>
Date: <u>7.29.11</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*Gary Hanson*  
GARY HAMSON, Chairman

*Chris Nelson*  
CHRIS NELSON, Vice Chairman