

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

**IN THE MATTER OF THE FILING BY
BANDWIDTH.COM CLEC, LLC FOR
APPROVAL OF ITS INITIAL ACCESS
SERVICES TARIFF AND WAIVERS**

**ORDER APPROVING
TARIFF AND GRANTING
PETITION FOR WAIVERS**

TC11-009

On March 18, 2011, the Public Utilities Commission (Commission) received a petition by Bandwidth.com CLEC, LLC (Bandwidth) for approval of its Initial Access Services Tariff. Bandwidth also petitioned for exemptions pursuant to ARSD 20:10:27:11 and ARSD 20:10:27:02. Specifically, Bandwidth requested waivers of cost-based rate development, ARSD 20:10:27:12, 20:10:27:13 and 20:10:27:07. Bandwidth agrees to mirror Qwest Communications, Inc. interstate switched access rates to establish its intrastate rate. On March 24, 2011, the Commission electronically transmitted notice of the filing and the intervention deadline of April 8, 2011, 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 April 19, 2011, the Commission considered this matter. Staff recommended approval of Bandwidth's switched access portions of the initial access services tariff. Additionally, Staff recommended the Commission grant waivers of cost-based rate development, 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 Bandwidth's initial access services tariff and to grant waivers of cost-based rate development, 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 Bandwidth's switched access portions of the initial access services tariff is approved and waivers of cost-based rate development, 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.

Dated at Pierre, South Dakota, this 26th day of April, 2011.

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>Sam Ardable</u>
Date:	<u>4-26-11</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Steve Kolbeck
STEVE KOLBECK, Chairman

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner