

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

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| IN THE MATTER OF THE FILING BY) | ORDER DISMISSING AND |
| MIDSTATE TELECOM, INC. FOR AN) | CLOSING THE DOCKET |
| EXTENSION OF AN EXEMPTION FROM) | |
| DEVELOPING COMPANY SPECIFIC COST-) | TC09-009 |
| BASED SWITCHED ACCESS RATES) | |

On March 2, 2009, the South Dakota Public Utilities Commission (Commission) received a filing from Midstate Telecom, Inc. (Midstate) requesting an extension of its exemption from filing a switched access cost study for a period of six months after the effective date of the new rules adopted by the Commission in RM05-002. Midstate further requested approval of its intrastate switched access rate of 11.5 cents per minute. On March 5, 2009, the Commission electronically transmitted notice of the filing and the intervention deadline of March 20, 2009, to interested individuals and entities. On April 14, 2009, the Commission received a Joint Motion for Approval of Settlement Stipulation and Settlement Stipulation from Midstate. At its regularly scheduled meeting of April 21, 2009, the Commission granted intervention to Midcontinent. On May 14, 2009, the Commission received a Motion for Temporary Approval of Switched Access Rates from Midstate. On May 21, 2009, the Commission received a Motion to Disapprove Settlement Stipulation and for an Evidentiary Hearing from Midcontinent. On June 18, 2009, the Commission received a Motion for Uniformity in Switched Access Rates and for Evidentiary Hearing from Midcontinent. At its regularly scheduled meeting of June 23, 2009, the Commission voted unanimously to grant the Motion for Temporary Approval of Switched Access Rates, with the current rate remaining in effect. The Commission further found that the Access Rate Settlement Stipulation that froze Midstate's rate at its current level expressly provided that following the expiration of the rate freeze, Midstate could request another extension. On November 9, 2010, the Commission voted unanimously to proceed to a formal rulemaking with regards to switched access rules for competitive local exchange carriers. The rules in RM05-002 were effective May 30, 2011.

On June 22, 2011, Midstate Telecom, Inc. (Midstate) filed a petition for approval of its new intrastate switched access rates (TC11-075). On May 25, 2012, Midstate Telecom filed a letter requesting the Commission to close docket TC11-075 as it anticipates filing a transitional rate filing for its terminating intrastate access rate, in conformance with FCC Order 11-161. On June 5, 2012, the Commission voted unanimously to dismiss and close docket TC11-075.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31.

At its regularly scheduled meeting of June 19, 2012, Commission Staff recommended dismissing and closing the docket. The Commission voted unanimously to dismiss and close the docket. It is therefore

ORDERED this docket shall be dismissed and closed.

Dated at Pierre, South Dakota, this 29th day of June, 2012.

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: _____

[Handwritten signature]

Date: _____

6-29-12

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner