

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

**IN THE MATTER OF THE FILING BY LOCAL )  
EXCHANGE CARRIERS ASSOCIATION, INC. )  
FOR APPROVAL OF REVISIONS TO ITS )  
ACCESS SERVICES TARIFF NO. 1 )**      **AMENDED ORDER FOR AND  
NOTICE OF PROCEDURAL  
SCHEDULE AND HEARING**

**TC12-040**

On May 18, 2012, the Public Utilities Commission (Commission) received a filing from the Local Exchange Carrier Association, Inc. (LECA) for approval of revisions to its Access Services Tariff No. 1. The purpose of this filing is to implement the Federal Communication Commission's (FCC) intercarrier compensation reforms as set forth in its Connect America Fund Order (Order), released November 18, 2011.<sup>1</sup> As part of its Order, the FCC adopted "bill-and-keep as the default methodology" and "end-state" for all intercarrier compensation traffic, including intrastate traffic. The FCC further adopted a defined "transition path" for moving to this end state. The first reduction mandated by the FCC's Order requires a carrier to reduce its intrastate terminating access rate, if above the carrier's interstate access rate, by 50 percent of the differential between the carrier's intrastate rate and the carrier's interstate access rate. The reduced rates are required to be effective by July 3, 2012.<sup>2</sup>

On May 24, 2012, the Commission electronically transmitted notice of the filing and the intervention deadline of June 8, 2012, to interested individuals and entities. On May 30, 2012, AT&T Communications of the Midwest, Inc. (AT&T) filed a Petition to Intervene. On June 5, 2012, the Commission granted AT&T's Petition to Intervene. On July 3, 2012, the Commission approved the revisions to LECA's Intrastate Access Services Tariff No. 1 effective as of July 1, 2012, except for sheet 17-4.5, which is the tariff sheet for the City of Brookings Municipal Telephone Department (Brookings). On July 31, 2012, the Commission deferred the matter to a later date. On August 15, 2012, LECA filed a revised tariff sheet 17-4.5.

At its August 28, 2012, meeting, the Commission approved LECA's revised Access Services Tariff No. 1, sheet 17-4.5, subject to a retroactive adjustment, if needed, following a hearing regarding this matter.

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

The parties have agreed to the following procedural schedule:

|                   |   |
|-------------------|---|
| October 22, 2012  | LECA/Brookings discovery is due         |
| November 12, 2012 | All discovery is due                    |
| November 26, 2012 | LECA/Brookings initial testimony is due |
| December 19, 2012 | AT&T responsive testimony is due        |

<sup>1</sup> *In the Matter of Connect America Fund et al.*, WC Docket Nos. 10-90, et al., Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. November 18, 2011).

<sup>2</sup> See *In the Matter of Connect America Fund et al.*, WC Docket Nos. 10-90, et al., Order, DA 12-870 (rel. June 5, 2012) (allowing effective dates for intrastate filings to be extended from July 1, 2012 to July 3, 2012).

|                   |  |
|-------------------|--|
| January 7, 2013   | Staff testimony is due (optional)        |
| January 18, 2013  | LECA/Brookings rebuttal testimony is due |
| February 27, 2013 | Hearing                                  |

**PLEASE TAKE NOTICE** that a hearing shall be held commencing at 9:00 a.m., with marking of exhibits to begin at 8:30 a.m., on Wednesday, February 27, 2013, in ~~Room 132 of the State Capitol, 500 E. Capitol Ave,~~ the Second Floor Conference Room, Dolly-Reed Plaza, 711 E. Wells 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 whether to approve LECA's revised tariff sheet 17-4.5.

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 to approve LECA's revised tariff sheet 17-4.5. 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 parties shall follow the procedural schedule as set forth above; and it is further

ORDERED, that the hearing shall commence at 9:00 a.m., with marking of exhibits to begin at 8:30 a.m., on Wednesday, February 27, 2013, in ~~Room 132 of the State Capitol, 500 E. Capitol Ave,~~ the Second Floor Conference Room, Dolly-Reed Plaza, 711 E. Wells Ave., 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 22<sup>nd</sup> day of February, 2013.

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| <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>Joy King</u> |
| Date:  | <u>2.22.13</u>  |
| (OFFICIAL SEAL)  |                 |

BY ORDER OF THE COMMISSION:

Gary Hanson  
 GARY HANSON, Chairman

Chris Nelson  
 CHRIS NELSON, Commissioner

Kristie Fiegen  
 KRISTIE FIEGEN, Commissioner