

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

**IN THE MATTER OF THE FILING BY)
360NETWORKS (USA) INC. FOR APPROVAL OF)
REVISIONS TO ITS TARIFF NO. 1)
)
)**

**ORDER APPROVING
TARIFF REVISIONS AND
WAIVER/SUSPENSION
REQUEST
TC12-107**

On July 2, 2012, the Public Utilities Commission (Commission) received a filing from 360networks (USA) inc. (360networks) for approval of its revision to its South Dakota Access Services Tariff No. 1. The purpose of this filing is to implement the Federal Communications Commission's (FCC) intercarrier compensation reforms as set forth in its Connect America Fund Order (Order), released November 18, 2011.¹ 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, 2012.² 360networks has opted to move directly to its interstate rate thereby bypassing the transitional rate. 360networks requested approval of the following tariff pages:

South Dakota Access Services Tariff No. 1

Fifth Revised Sheet 2
Second Revised Sheet 53

Canceling Fourth Revised Sheet 2
Canceling First Revised Sheet 53

On July 5, 2012, the Commission electronically transmitted notice of the filing and the intervention deadline of July 20, 2012, to interested individuals and entities. No parties filed to intervene.

At its regularly scheduled meeting of July 31, 2012, the Commission considered this matter. 360networks requested approval of its tariff revisions and that the Commission waive/suspend, until the Commission otherwise orders, the specific provisions in rules ARSD 20:10:29:10, 20:10:29:12, and 20:10:29:16 that state "[t]he per minute charge is equal for both originating and terminating traffic."

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, ARSD 20:10:27:02, and ARSD Chapter 20:10:29. Commission staff recommended granting the waiver and approval of all tariff revisions. The Commission voted unanimously to approve the requested revisions to 360networks' South Dakota Access Services Tariff No. 1 and to waive/suspend, until the Commission otherwise orders, the specific provisions in rules ARSD 20:10:29:10, 20:10:29:12, and 20:10:29:16 that state "[t]he per minute charge is equal for both originating and terminating traffic." It is therefore

ORDERED, that the Commission approves the above referenced revisions to 360networks' South Dakota Access Services Tariff No.1 effective as of July 3, 2012. It is further

¹ *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).

² *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).

ORDERED, until such time as the Commission otherwise orders, the waiver/suspension of the specific provisions in rules ARSD 20:10:29:10, 20:10:29:12, and 20:10:29:16 that state "[t]he per minute charge is equal for both originating and terminating traffic" is hereby granted.

Dated at Pierre, South Dakota, this 6th day of August, 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: Joy Cherry

Date: August 6, 2012

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner