

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

<p>In the Matter of the Application of NORTHERN VALLEY COMMUNICATIONS, L.L.C. for Approval of Extension of its Current Exemption from Developing Company-Specific Cost-Based Switched Access Rates</p>	<p style="text-align:center">TC 09-031</p> <p style="text-align:center">REQUEST FOR TEMPORARY APPROVAL OF SWITCHED ACCESS RATES</p>
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Northern Valley Communications, L.L.C. (NVC), by and through its undersigned attorney, hereby submits the following request for Temporary Approval of its Switched Access Rate. NVC requests the Commission to grant it authority to utilize the rates identified in its switched access services tariff currently on file with the Commission until such time as the issues in this docket are resolved. Such an Order is requested based on the following:

1. On May 21, 2009, NVC requested from the Commission an extension of its current exemption from developing company-specific cost-based switched access rates as contained in the Order TC05-197 dated June 5, 2006 (the "Order").
2. The Commission's June 5, 2006, Order approved the terms of a Settlement Stipulation agreed upon by Commission Staff and NVC on May 19, 2006. More specifically, that Order approved the intrastate switched access rate to be used by NVC in its tariff. Pursuant to the terms of that Settlement Stipulation, NVC is currently using an intrastate switched access rate of \$0.115.
3. The terms of the relevant Settlement Stipulation and corresponding exemption will expire on June 5, 2009.
4. On June 3, 2009, Midcontinent Communications ("Midcontinent") filed a Petition to Intervene in this docket.
5. If Midcontinent is allowed to intervene in this docket, NVC anticipates it will take longer than originally anticipated to reach a resolution, if at all, of the issues raised by its request for an exemption. NVC, therefore, anticipates that it will not achieve any resolution to these outstanding issues prior to the expiration of its current exemption.
6. While an expiration of its exemption does not result in invalidation of NVC's current intrastate switched access tariff, NVC is concerned that interexchange carriers or others obligated to pay NVC's rates may argue that they need not do so in the absence of a new Order requiring the same. This would result in significant prejudice and harm to NVC.
7. Additionally, RM 05-002, which has been refocused for purposes of proposing and implementing rules that specifically address rate development for competitive local exchange carriers ("CLECs"), remains open and no rules have yet been disseminated to the public for review and comment. As set forth in its Motion for Extension of Exemption, under

these circumstances, NVC is not in a position to either develop a cost study or renew its request for an extension of the exemption contained in A.R.S.D. 20:10:27:11.

8. Accordingly, for these reasons NVC requests it be allowed to continue to use the rate contained in its current intrastate switched access tariff until such time as a resolution is reached in this docket or through other Order of the Commission.

Dated this 4th day of June 2009.

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CERTIFICATE OF MAILING

The undersigned hereby certifies that a true and correct copy of the foregoing was served electronically on the 4th day of June 2009 upon the following:

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