

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

IN THE MATTER OF THE FILING BY)	ORDER DENYING MOTION
SSTELECOM, INC. FOR AN EXTENSION OF)	FOR UNIFORMITY IN
AN EXEMPTION FROM DEVELOPING)	SWITCHED ACCESS RATES
COMPANY SPECIFIC COST-BASED)	AND FOR EVIDENTIARY
SWITCHED ACCESS RATES)	HEARING
)	TC09-014

On April 3, 2009, the Public Utilities Commission (Commission) received a request from SSTELECOM, Inc. (SSTELECOM) for approval of an extension of its current exemption from developing company specific cost-based switched access rates and further requests that the Commission approve the rate set forth in its current Switched Access Tariff No. 1 for the duration of the extension period.

On April 9, 2009, the Commission electronically transmitted notice of the filing and the intervention deadline of April 24, 2009, to interested individuals and entities. Midcontinent Communications (Midcontinent) filed to intervene on April 13, 2009. On April 17, 2009, the Commission received an Objection to Midcontinent's Petition to Intervene from SSTELECOM. On April 20, 2009, the Commission received a Reply to SSTELECOM's Objection to its Intervention from Midcontinent. On April 29, 2009, the Commission received a Motion for Temporary Approval of Switched Access Rate from SSTELECOM. At its regularly scheduled meeting of May 5, 2009, the Commission granted Intervention to Midcontinent and voted unanimously to approve the Motion for Temporary Approval of Switched Access Rate, with the current rate remaining in effect. The Commission further found that the Access Rate Settlement Stipulation that froze SSTELECOM's rate at its current level expressly provided that following the expiration of the rate freeze, SSTELECOM could request another extension.

On June 4, 2009, the Commission received a Motion to Deny for Temporary Approval and for Evidentiary Hearing from Midcontinent. On June 18, 2009, the Commission received a Motion for Evidentiary Hearing and Motion for Uniformity in Switched Access Rates and for Evidentiary Hearing from Midcontinent. On July 20, 2009, the Commission received a Response to Midcontinent's Motions for Evidentiary Hearing and Uniformity from SSTELECOM. On August 6, 2009, the Commission received a Reply of Midcontinent to Response of SSTELECOM. On August 21, 2009, the Commission received a Reply Brief to Responses from Midcontinent.

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

At its regularly scheduled meeting of August 25, 2009, the Commission considered the Motion for Uniformity in Switched Access Rates and for Evidentiary Hearing. Commission Staff recommended denial. Midcontinent's Motion requested "an evidentiary hearing to determine whether the Commission should order that all CLECs, upon expiration of their previously approved switched access rate, mirror the incumbent rate going forward." The Commission voted unanimously to deny the Motion for Uniformity in Switched Access Rates and for Evidentiary Hearing. It is therefore

ORDERED, that the Motion for Uniformity in Switched Access Rates and for Evidentiary Hearing is hereby denied.

Dated at Pierre, South Dakota, this 15th day of September, 2009.

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: *Belaine Kalbo*

Date: 9/16/09

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin Johnson
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner