

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

<b>IN THE MATTER OF THE FILING BY )</b>	<b>ORDER DENYING MOTION</b>
<b>NORTHERN VALLEY COMMUNICATIONS, )</b>	<b>FOR UNIFORMITY IN</b>
<b>L.L.C. FOR AN EXTENSION OF AN )</b>	<b>SWITCHED ACCESS RATES</b>
<b>EXEMPTION FROM DEVELOPING COMPANY )</b>	<b>AND FOR EVIDENTIARY</b>
<b>SPECIFIC COST-BASED SWITCHED ACCESS )</b>	<b>HEARING</b>
<b>RATES )</b>	<b>TC09-031</b>

On May 21, 2009, the Public Utilities Commission (Commission) received a request from Northern Valley Communications, L.L.C. (Northern Valley) requesting an extension of its exemption from filing a switched access cost study for a period of three months after the effective date of the new rules adopted by the Commission in RM05-002. NVC further requested the Commission approve the rate set forth in its current Switched Access Tariff No. 1 for the duration of the extension period.

On May 28, 2009, the Commission electronically transmitted notice of the filing and the intervention deadline of June 8, 2009, to interested individuals and entities. Midcontinent Communications (Midcontinent) filed to intervene on June 3, 2009. On June 4, 2009, the Commission received a Motion to Deny Petition for Extension and for Evidentiary Hearing from Midcontinent and a Request for Temporary Approval of Switched Access Rates from Northern Valley. Qwest Communications Company, LLC (Qwest) filed to intervene on June 17, 2009. On June 18, 2009, the Commission received a Motion for Uniformity in Switched Access Rates and for Evidentiary Hearing from Midcontinent. On June 19, 2009, the Commission received an Objection to Qwest's Petition for Leave to Intervene and an Objection to Midcontinent's Motion to Intervene from Northern Valley.

At its regularly scheduled meeting of June 23, 2009, the Commission granted intervention to Midcontinent and Qwest and voted unanimously to approve the Request 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 Northern Valley's rate at its current level expressly provided that following the expiration of the rate freeze, Northern Valley could request another extension. On August 4, 2009, the Commission received a Petition for Intervention from AT&T Communications of the Midwest, Inc. (AT&T). On August 6, 2009, the Commission received an Objection to AT&T's Petition for Leave to Intervene from Northern Valley. On August 7, 2009, the Commission received a Response of Northern Valley to Midcontinent's Motions for Uniformity and Evidentiary Hearing. At its regularly scheduled meeting of August 11, 2009, the Commission granted intervention to AT&T. On August 21, 2009, the Commission received a Reply Brief to Responses from Midcontinent. On August 24, 2009, the Commission received a Joinder in Midcontinent's Motion for Uniformity in Switched Access Rates and Reply from Qwest Communications Corporation.

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 15<sup>th</sup> day of September, 2009.

<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><i>Melaine Kaelo</i></u>
Date: <u>9/16/09</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*Dustin Johnson*  
DUSTIN M. JOHNSON, Chairman

*Steve Kolbeck*  
STEVE KOLBECK, Commissioner

*Gary Hanson*  
GARY HANSON, Commissioner