

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

**IN THE MATTER OF THE FILING BY ORBITCOM,
INC. FOR APPROVAL OF REVISIONS TO ITS
ACCESS SERVICES TARIFF**

) **ORDER APPROVING TARIFF**
) **REVISIONS**

) **TC12-054**
)

On May 25, 2012, the Public Utilities Commission (Commission) received a filing from Orbitcom Inc. (Orbitcom) for approval of revisions to its Switched Access Services Tariff No. 2. The purpose of this filing is to modify tariff language for the Identification and Rating of VoIP-PSTN Traffic to be in compliance with the Federal Communications Commission's Connect America Fund et al., WC Docket No. 10-90 et al., Second Order on Reconsideration, FCC 12-47 (rel. April 25, 2012). In the order the FCC permitted local exchange carriers to tariff default charges equal to intrastate originating access for originating intrastate toll VoIP traffic until June 30, 2014. Orbitcom also filed for approval of revisions to implement the FCC's 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

On May 31, 2012, the Commission electronically transmitted notice of the filing and the intervention deadline of June 15, 2012, to interested individuals and entities. No parties sought intervention. Orbitcom filed revised tariffs on July 25, July 26, July 30, and July 31, 2012.

Orbitcom requested approval of the following tariff pages:

Switched Access Services Tariff No. 2

First Revised Page No. 4	Cancels Original Page No. 4
First Revised Page No. 67	Cancels Original Page No. 67
First Revised Page No. 69	Cancels Original Page No. 69
First Revised Page No. 70	Cancels Original Page No. 70
Second Revised Page No. 68	Cancels First Revised Page No. 68
Original Page No. 71	

At its regularly scheduled meeting of July 17, 2012, the Commission considered this matter. The matter was deferred. At its regularly scheduled meeting of July 31, 2012, the Commission again considered this matter. The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31. The Commission voted unanimously to approve the above revisions to Orbitcom's Switched Access Services Tariff No. 2. It is therefore

ORDERED, that the Commission approves the above referenced revisions to Orbitcom's Switched Access Services Tariff No. 2, pages 4, 67, 68, 69, and 71 effective as of July 1, 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, (released 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, that the Commission approves the above referenced revision to Orbitcom's Switched Access Services Tariff No. 2, page 70, effective as of July 13, 2012.

Dated at Pierre, South Dakota, this 7 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 Chung*

Date: *August 8, 2012*

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner