

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

**IN THE MATTER OF THE FILING BY YMAX)
COMMUNICATIONS CORP. FOR APPROVAL OF)
REVISIONS TO ITS TARIFF NO. 2)
)**

**ORDER DISMISSING AND
CLOSING THE DOCKET**

TC12-104

On June 28, 2012, the Public Utilities Commission (Commission) received a filing from YMax Communications Corp. (YMax) for approval of revisions to its Tariff No. 2. The purpose of this filing is to make revisions to incorporate the requirements of the Federal Communications Commission's Report and Order in WC Docket No. 10-90, et al., FCC No. 11-161 (released November 18, 2011) regarding the treatment of Toll VoIP-PSTN traffic. Additionally, this filing revises intrastate access rates to mirror YMax's interstate access rates. YMax respectfully requests an effective date for this filing of July 1, 2012. 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.

On July 11, 2012, AT&T Communications of the Midwest Inc. (AT&T) filed a Petition to Intervene and Request to Suspend the Tariff and Investigate. On July 23, 2012, staff filed a request with the Commission to suspend the tariff for 120 days effective July 1, 2012. At its regularly scheduled meeting of July 31, 2012, the Commission granted intervention to AT&T and suspended the tariff for 120 days. On August 13, 2012, staff filed a request with the Commission to suspend the tariff an additional 60 days pursuant to SDCL 49-31-12.4(2). At its regularly scheduled meeting of August 28, 2012, the Commission granted the additional 60 day suspension.

On August 27, 2012, Ymax filed with the Commission a request to withdraw the revised tariff pages. On September 19, 2012, AT&T filed a statement regarding Ymax's withdrawal of its tariff language.

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

At its regularly scheduled meeting of September 25, 2012, the Commission considered this matter. Commission Staff recommended dismissing and closing of this docket. It is therefore

ORDERED, that this docket shall be dismissed and closed.

Dated at Pierre, South Dakota, this 2nd day of October, 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: <u>[Signature]</u>
Date: <u>October 2, 2012</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

[Signature]
CHRIS NELSON, Chairman

[Signature]
KRISTIE FIEGEN, Commissioner

[Signature]
GARY HANSON, Commissioner