

**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 GRANTING  
INTERVENTION AND  
SUSPENDING TARIFF**

**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 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.

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.

At its regularly scheduled meeting of July 31, 2012, the Commission considered this matter. The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31. After hearing from the parties, the Commission voted unanimously to grant intervention to AT&T and suspend the tariff, pursuant to SDCL 49-31-12.4, for 120 days effective July 1, 2012. The Commission finds that AT&T has raised sufficient issues regarding some of the proposed changes to YMax's tariff. AT&T contends that YMax's proposed tariff allows YMax to charge for services not provided by YMax or its VoIP service provider. It is therefore

**ORDERED**, that the Commission grants intervention to AT&T and suspends the tariff for 120 days effective July 1, 2012.

Dated at Pierre, South Dakota, this 9<sup>th</sup> day of August, 2012.

<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>Joy Deery</u>
Date: <u>August 10, 2012</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson  
CHRIS NELSON, Chairman

Kristie Fiegen  
KRISTIE FIEGEN, Commissioner

Gary Hanson  
GARY HANSON, Commissioner