

IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

UNITED STATES TELECOM ASSOCIATION,

Petitioner,

v.

FEDERAL COMMUNICATIONS COMMISSION
and UNITED STATES OF AMERICA,

Respondents.

Case No. 00-1428

RECEIVED

NOV 06 2000

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

MOTION FOR LEAVE TO INTERVENE

Pursuant to 47 U.S.C. § 402(e), 28 U.S.C. § 2348, Federal Rule of Appellate Procedure 15(d), and the District of Columbia Circuit Rule 15(b), South Dakota Independent Telephone Coalition, Inc., (“SDITC”), by its attorneys, hereby moves for leave to intervene in the above-captioned proceeding.

Petitioner seeks review of the Federal Communications Commission’s (“Commission”) “Declaratory Ruling,” *In the Matter of Federal-State Joint Board on Universal Service; Western Wireless Corporation Petition for Preemption of an Order of the South Dakota Public Utilities Commission*, CC Docket No. 96-45, FCC 00-248 (rel. August 10, 2000). In the Declaratory Ruling, the Commission provided guidance as to whether Section 214(e)(1) of the Communications Act of 1934, as amended, requires a common carrier to provide supported services throughout a service area prior to being designated an eligible telecommunications carrier that may receive federal universal service support.

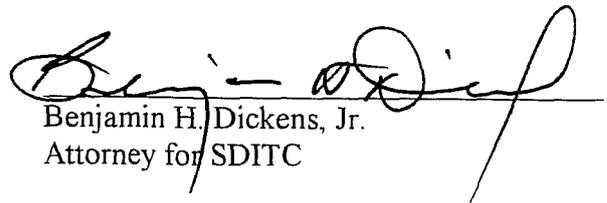
SDITC is a party in interest to this proceeding because it is an organization representing the interests of numerous independent, cooperative, and municipal local exchange carriers in the State of South Dakota. SDITC's member LECs have been designated as eligible telecommunications carriers by the South Dakota Public Utilities Commission, the State Commission whose Order forms the basis for the Declaratory Ruling. SDITC also directly participated in the Commission's proceeding that resulted in the issuance of the Declaratory Ruling. Therefore, SDITC is a "party in interest in the proceeding before the agency whose interests will be affected" by this appeal and, is entitled to intervene "as a [matter] of right." 28 U.S.C. § 2348.

SDITC respectfully requests that this timely Motion for Leave to Intervene be granted.

Respectfully submitted,

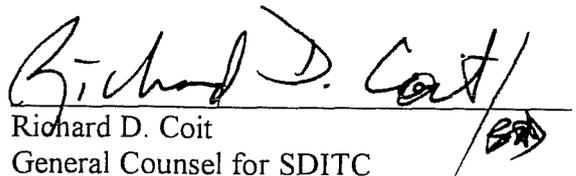
SOUTH DAKOTA INDEPENDENT
TELEPHONE COALITION, INC.

By:


Benjamin H. Dickens, Jr.
Attorney for SDITC

Blooston, Mordkofsky, Jackson & Dickens
2120 L Street, NW, Suite 300
Washington, D.C. 20037
(202) 659-0830

By:


Richard D. Coit
General Counsel for SDITC

207 East Capitol, Suite 206
P.O. Box 57
Pierre, SD 57501
(605) 224-7629

Dated: November 3, 2000

IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

| | | |
|------------------------------------|---|------------------|
| <hr/> |) | |
| UNITED STATES TELECOM ASSOCIATION, |) | |
| |) | |
| <i>Petitioner,</i> |) | |
| |) | Case No. 00-1428 |
| v. |) | |
| |) | |
| FEDERAL COMMUNICATIONS COMMISSION |) | |
| and UNITED STATES OF AMERICA, |) | |
| |) | |
| <i>Respondents.</i> |) | |
| <hr/> |) | |

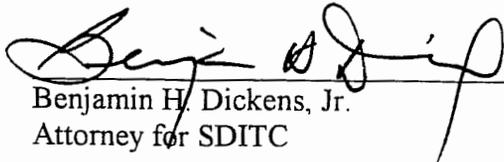
DISCLOSURE OF INTERESTS

Pursuant to rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rule 26.1, South Dakota Independent Telephone Coalition, Inc., (“SDITC”) submits this disclosure of interests.

SDITC is a non-profit privately held corporation organized under the laws of the State of South Dakota. SDITC has no parent companies, subsidiaries, or affiliates whose listing is required. SDITC advances the interests of South Dakota rural telephone companies before the State Legislature, Regulatory Boards, the Courts, and the Federal Communications Commission.

Respectfully submitted,

SOUTH DAKOTA INDEPENDENT
TELEPHONE COALITION

By: 
Benjamin H. Dickens, Jr.
Attorney for SDITC

Blooston, Mordkofsky, Jackson & Dickens
2120 L Street, NW, Suite 300
Washington, D.C. 20037
(202) 659-0830

By: 
Richard D. Coit
General Counsel for SDITC 

207 East Capitol, Suite 206
P.O. Box 57
Pierre, SD 57501
(605) 224-7629

Dated: November 3, 2000

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of November, 2000, I caused copies of the foregoing Motion for Leave to Intervene and Corporate Disclosure Statement to be served by messenger upon the following indicated by an asterisk, and by U.S. mail, first class, postage pre-paid, on the others listed below:

*Chairman William Kennard
Federal Communications Commission
445 Twelfth Street, SW
The Portals, Room 8-B201
Washington, DC 20554

*Commissioner Harold Furchtgott-Roth
Federal Communications Commission
445 Twelfth Street, SW
The Portals, Room 8-A302
Washington, DC 20554

*Commissioner Gloria Tristani
Federal Communications Commission
445 Twelfth Street, SW
The Portals, Room 8-C302
Washington, DC 20554

*Commissioner Susan Ness
Federal Communications Commission
445 Twelfth Street, SW
The Portals, Room 8-B115
Washington, DC 20554

*Commissioner Michael Powell
Federal Communications Commission
445 Twelfth Street, SW
The Portals, Room 8-A204
Washington, DC 20554

*Dorothy Attwood
Chief, Common Carrier Bureau
Federal Communications Commission
445 Twelfth Street, SW
The Portals, Room 5-C450
Washington, DC 20554

*Andrew S. Fishel
Federal Communications Commission
445 Twelfth Street, SW
The Portals, Room 1-C152
Washington, DC 20554

*Christopher Wright, General Counsel
Federal Communications Commission
The Portals, Room 8C-755
445 Twelfth Street, SW
Washington, DC 20554
Attorney for Respondents

*John Ingle
Federal Communications Commission
The Portals, Room 8C-755
445 Twelfth Street, SW
Washington, DC 20554
Attorney for Respondents

*Joel Marcus
Federal Communications Commission
The Portals, Room 8A-816
445 Twelfth Street, SW
Washington, DC 20554
Attorney for Respondents

The Honorable Laska Schoenfelder
Commissioner
South Dakota Public Util. Comm.
State Capitol, 500 East Capitol Street
Pierre, SD 57501-5070

The Honorable James A. Burg
Chairman
South Dakota Public Util. Comm.
State Capitol, 500 East Capitol Street
Pierre, SD 57501-5070

William Bullard, Jr.
Executive Director
South Dakota Public Util. Comm.
State Capitol, 500 East Capitol Street
Pierre, SD 57501-5070

Charles Bolle
South Dakota Public Util. Comm.
State Capitol, 500 East Capitol Street
Pierre, SD 57501-5070

Steven R. Beck
Qwest Communications Int'l Inc.
1801 California Street, Suite 3800
Denver CO 80202
*Counsel for Quest Communications
International, Inc.*

Marilyn Showalter, Chairwomen
Washington Utilities & Transportation
Commission
1300 S. Evergreen Park Drive SW
Olympia, WA 98504

Jeffrey D. Goltz
Office of Attorney General
State of Washington
1400 S. Evergreen Park Dr. SW
P.O. Box 40128
Olympia, WA 98504
*Counsel for Washington Utilities &
Transportation Commission*

M. Robert Sutherland
Richard M. Sbaratta
BellSouth Corporation, Suite 1700
1155 Peachtree Street, N.E.
Atlanta, GA 30309-3610

Howard J. Symons
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo
701 Pennsylvania Ave., N.W.
Suite 900
Washington, DC 20004
Counsel for AT&T

Mark C. Rosenblum
Stephen Garavito
AT&T Corp., Room 1131M1
295 N. Maple Avenue
Basking Ridge, NJ 07920

Douglas I. Brandon
AT&T Wireless Services
1150 Connecticut Ave., N.W.
Suite 400
Washington, DC 20036

David Nace
B.L.F. Ratnavale
Lukas, Nace, Guitierrez & Sachs Chartered
1111 19th Street, N.W., Suite 1200
Washington, DC 20036
Counsel for Rural Cellular Corporation

David Cosson
Kraskin, Lesse & Cosson, L.L.P.
2120 L Street, N.W., Suite 520
Washington, DC 20037
*Counsel for Coalition of Rural Telephone
Companies and Project Telephone Company
Range Telephone Cooperative*

Gene DeJordy
Western Wireless Corporation
3650 131st Avenue, S.E., Suite 400
Bellevue, WA 98006

Michele C. Farquhar
David L. Sieradzki
Hogan & Hartson, L.L.P.
555 Thirteenth Street, N.W.
Washington, DC 200047-1109
*Counsel for Competitive Universal
Service Coalition and Western
Wireless Corporation*

Lolita D. Smith
Michael F. Altschul
Randall S. Coleman
Cellular Telecommunications Industry
Association
1250 Connecticut Avenue, N.W.
Suite 800
Washington, DC 20036

Geoffrey A. Feiss
Montana Telecommunications Association
208 North Montana Avenue
Suite 207
Helena, MT 59601

Gail L. Polivy
GTE Service Corporation
1850 M Street, N.W., Suite 1200
Washington, DC 20036

John Raposa
GTE Service Corporation
600 Hidden Ridge, MS HQE935J27
Irving, TX 75038

NRTA
One Massachusetts Avenue, Suite N.W.
Suite 800
Washington, DC 20001
*Member of Rural Telephone Coalition:
Coalition of Rural Telephone Companies*

L. Marie Guillory
Jill Canfield
NTCA
4121 Wilson Blvd., Tenth Floor
Arlington, VA 22203
*Member of Rural Telephone Coalition:
Coalition of Rural Telephone Companies*

Stuart Polikoff
OPASTCO
21 DuPont Circle, N.W., Suite 700
Washington, DC 20036
*Member of Rural Telephone Coalition:
Coalition of Rural Telephone Companies*

Jeannie Su
525 Park Street, Suite 500
St. Paul, MN 55103-2106
*Attorney for Minnesota Dept. of
Public Service/Dept. of Commerce*

Edward Fagerlund
Telecommunications Unit
Minnesota Dept. of Public
Service/Dept. of Commerce
121 Seventh Place East
Suite 200
St. Paul, MN 55101-2145

Angela E. Giancarlo
Personal Communications Industry
Association
500 Montgomery Street, Suite 700
Alexandria, VA 22314-1561

Jonathan Askin
General Counsel
Association for Local
Telecommunications Services
888 17th Street, N.W., Suite 900
Washington, DC

Peter M. Connolly
Holland & Knight, LLP
2100 Pennsylvania Ave., N.W.
Suite 400
Washington, DC 20037
*Counsel for United States Cellular
Corporation*

Jan M. Sebbly
Michael A. Bosh
Pringle & Herigstad, P.C.
Bremer Bank Building
Second Floor
20 First Street, S.W.
P.O. Box 1000
Minot, ND 58702-1000

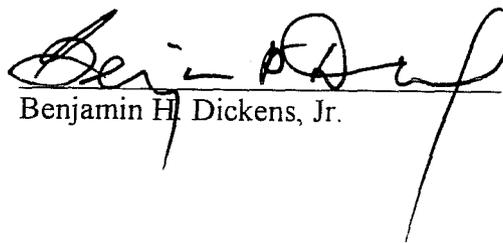
Stephen L. Goodman
William F. Maher, Jr.
Richard T. White, Jr.
Halprin, Temple Goodman & Maher
555 12th Street, NW
Suite 950 North
Washington, DC 20004
*Counsel for United States Telecom
Association*

Julie E. Rones
Lawrence E. Sarjeant
John Westerman Hunter
United States Telephone
Association
1401 H Street, NW
Suite 600
Washington DC 20005

John B. Adams
Citizens Utilities Company
1400 16th Street, NW
Suite 500
Washington, DC 20036

Nancy Caroline Garrison
U.S. Dept. of Justice
Patrick Henry Building
Antitrust Division
Room 10535
610 D Street, N.W.
Washington, DC 20530-0001
Attorney for Respondents

Catherine G. O'Sullivan
U.S. Dept. of Justice
Patrick Henry Building
Antitrust Division
Room 10536
610 D Street, N.W.
Washington, DC 20530-0001
Attorney for Respondents


Benjamin H. Dickens, Jr.