



South Dakota Telecommunications Association

South Dakota Telecommunications Association
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October 28, 2011

Ms. Patty Van Gerpen, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Ave.
State Capitol Building
Pierre, SD 57501

RE: Docket TC11-087, In the Matter of the Application of Native American Telecom, LLC for a Certificate of Authority to Provide Local Exchange Service within the Study Area of Midstate Communications, Inc.

Dear Patty:

Enclosed for filing in the above referenced docket you will find the electronic original of SDTA's Petition to Intervene.

As is evidenced by the Certificate of Service attached to the Petition, service has been made to those individuals representing the Applicant, Native American Telecom.

Thank you for your assistance in filing and distributing copies of this Petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Coit", written over a horizontal line.

Richard D. Coit
SDTA Executive Director and General Counsel

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

IN THE MATTER OF THE APPLICATION OF)
NATIVE AMERICAN TELECOM, LLC FOR A)
CERTIFICATE OF AUTHORITY TO PROVIDE) Docket No. TC11-087
LOCAL EXCHANGE SERVICE WITHIN THE STUDY)
AREA OF MIDSTATE COMMUNICATIONS, INC.)

SDTA Petition to Intervene

The South Dakota Telecommunications Association ("SDTA") hereby petitions the Commission for intervention in the above captioned proceeding pursuant to SDCL 1-26-17.1 and ARSD §§ 20:10:01:15.02, 20:10:01:15.03 and 20:10:01:15.05. In support hereof, SDTA states as follows:

1. On or about October 6, 2011, Native American Telecom, LLC ("Native Telecom") filed an Application with this Commission seeking a certificate of authority to provide local exchange and interexchange services within the existing study area of Midstate Communications, Inc. (Midstate). The filing includes a request to "expand its authority" to include areas within the Midstate Communication's "study area" that extend beyond the boundaries of the Crow Creek Reservation.

2. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota. Midstate Communications is a cooperative company and is currently a member of the SDTA.

3. In regards to the Application filed by Native Telecom, Insofar as it relates to certification for local exchange services, SDTA believes it is deficient for failing to provide all of the information required by the Commission's administrative rules. Generally, the Application

fails to provide any telling information as to the types of local exchange services the company intends to provide and how it intends to make such services available to end user customers. As one example, under ARSD § 20:10:32:03(11) information should be provided "explaining how the applicant will provide customers with access to emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance and telecommunications relay services." In response to this subsection of the rule, Native Telecom merely indicates that it "has established connectivity with telecommunications carriers" in order to provide such access. This sort of response should be viewed as inadequate to meet the rule requirement.

4. In general, the Application fails to provide information which would allow for a meaningful Commission review under the local exchange certification standards found in the state statutes and administrative rules. Most importantly, insufficient information is provided as to how the company plans to meet the additional rural service area obligations imposed on competitive LEC entities under SDCL § 49-31-73 and ARSD § 20:10:32:15. Absent a request for a waiver of these additional service obligations made pursuant to § 20:10:32:18, Native Telecom must comply with these obligations. At present, it is unclear from the Application how the company would in fact meet the additional obligations. While on page 9 of its Application, Native Telecom states, generally, that it "will meet the eligible telecommunications carrier requirements," insufficient information is provided indicating how this would be accomplished.

4. SDTA is particularly concerned that this Commission in its review of Native Telecom's Application ensure full compliance with the protection/safeguard referenced above. The FCC at its recent meeting on October 27th adopted an Order related to its proposed "Connect America Fund and Intercarrier Compensation Reform." While the Order in its written form has not yet been released, limited information available concerning the Order suggests that issues related

to the availability, or non-availability, of competitive carrier service offerings in rural service areas may become more important going forward (for purposes related to both incumbent LEC and competitive LEC universal service funding decisions).

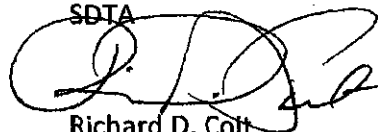
6. Given the above stated issue and related issues, all of the SDTA member companies are interested in this proceeding and stand to be affected by the Commission's decisions herein. SDTA seeks intervention in this proceeding based on the interests of Midstate and also the interests of other SDTA member companies that operate as incumbent local exchange carriers and "rural telephone companies" and which may be "bound and affected favorably or adversely" by decisions made in this proceeding. (See ARSD § 20:10:01:15.05).

7. Based on all of the foregoing, SDTA is an interested party in this matter and seeks intervening party status

Dated this 28th day of October, 2011.

Respectfully submitted:

SDTA



Richard D. Colt

Executive Director and General Counsel

CERTIFICATE OF SERVICE

I hereby certify that an original of the Petition to Intervention, dated October 28th, 2011, filed in PUC Docket TC11-087 was served upon the PUC electronically, directed to the attention of:

Ms. Patty Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

A copy was also sent by e-mail and/or US Postal Service First Class mail to each of the following individuals:

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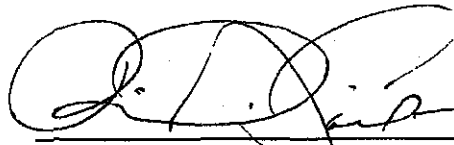
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