

CUTLER & DONAHOE, LLP
ATTORNEYS AT LAW

RICHARD A. CUTLER
KENT R. CUTLER
BRIAN J. DONAHOE **
MARK E. SALTER *
STEVEN J. SARBACKER ††
JAYNA M. VOSS
MICHAEL D. BORNITZ †
TRENT A. SWANSON *
KIMBERLY R. WASSINK
RYAN J. TAYLOR *†
MEREDITH A. MOORE
DAVID L. EDWARDS

Telephone (605) 335-4950
Fax (605) 335-4961

JEAN BROCKMUELLER, CPA (Inactive)
BUSINESS MANAGER

- Also licensed to practice in Minnesota
- Also licensed to practice in Minnesota and Iowa
- † Also licensed to practice in Nebraska
- †† Also licensed to practice in Minnesota and Missouri
- ** Also licensed as a Certified Public Accountant

December 5, 2003

VIA FACSIMILE TRANSMISSION
(605) 773-3809

Pam Bonrud, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

RECEIVED

DEC 08 2003

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

FAX Received DEC 05 2003

RE: *TC 03-193 In the Matter of the Petition of RCC Minnesota, Inc., and Wireless Alliance, LLC, for Designation as an Eligible Telecommunications Carrier under 47 USC § 214(e)(2)*

Dear Ms. Bonrud:

Please find enclosed the original and ten copies of the Petition to Intervene of Alliance Communications Cooperative, Inc. Please do not hesitate to contact me if you have any questions. Thank you for your assistance. By copy of this correspondence, I am intending service upon all interested parties.

Sincerely,

CUTLER & DONAHOE, LLP



Meredith A. Moore
For the Firm

MAM/jlh

cc: Interested Parties

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

RECEIVED

DEC 08 2003

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Docket No. TC 03-193

In the Matter of the Petition of RCC
Minnesota, Inc. and Wireless Alliance,
L.L.C. For Designation as an Eligible
Telecommunications Carrier Under 47
U.S.C. § 214(e)(2)

**PETITION TO INTERVENE OF
ALLIANCE COMMUNICATIONS
COOPERATIVE, INC.**

FAX Received DEC 05 2003

COMES NOW, Alliance Communications Cooperative, Inc., by and through its undersigned counsel, and pursuant to A.R.S.D. 20:10:01:15.02, petitions this Commission for leave to intervene in the above entitled proceeding.

IN SUPPORT THEREOF, Petitioners do state and declare as follows:

1. Alliance Communications Cooperative, Inc. ("Alliance") is a South Dakota corporation headquartered in Garretson, South Dakota. Alliance is an independent facilities-based incumbent local exchange company offering local exchange service in approximately 6 exchanges in South Dakota. Alliance is also a "rural telephone company" as defined in 47 U.S.C. § 153(37) and SDCL 49-31-1(22).

2. Alliance has a direct and substantial interest in these proceedings because this Commission's decision may, directly or indirectly, affect the quality or cost of telecommunications services provided by Alliance to those consumers within at least four of its study areas.

3. On November 17, 2003, RCC Minnesota, Inc. and Wireless Alliance, L.L.C. d/b/a Unicel (collectively "Rural Cellular") petitioned (the "Petition") this Commission for designation as an eligible telecommunication carrier ("ETC") in the study areas of several rural telephone companies, including the study areas of Alliance.

4. Pursuant to 47 U.S.C. § 214(e), 47 C.F.R. § 54.101(a), SDCL § 49-31-78 and ARSD 20:10:32:42, this Commission is vested with the authority to grant or deny the Petition of Rural Cellular.

5. In its Petition for designation as an ETC, and pursuant to 47 C.F.R. § 54.101, 47 U.S.C. § 214(e) and SDCL § 49-31-78, Rural Cellular set forth those criteria which it believes support its Petition for designation as an ETC. See Petition at ¶¶3-20.

6. 47 U.S.C. § 214(e)(1)(A) and ARSD 20:10:32:42 require that a common carrier seeking designation as an ETC must provision those services required by 47 C.F.R. § 54.101 throughout the service area for which the designation is sought.

7. Rural Cellular fails to satisfy the requirements of 47 U.S.C. § 214(e)(1)(A) and ARSD 20:10:32:42 because it is unable to provision the above-referenced services throughout the entirety of the Alliance study areas.

8. In its Petition for designation as an ETC, and pursuant to 47 U.S.C. § 214(e)(2) and SDCL § 49-31-78, Rural Cellular also states that its designation as an additional ETC in study areas of rural telephone companies is in the public interest.

9. 47 U.S.C § 214(e)(2) and SDCL § 49-31-78 require that before this Commission may designate an additional ETC in an area already served by a rural telephone company, it must make a finding that the designation of an additional ETC in that particular area is in the interest of the public.

10. Rural Cellular fails to establish that its designation as an ETC in the involved study areas would be a benefit to the public. Rural Cellular relies upon several general statements that its designation as an ETC is consistent with ETC decisions across the

country. Such broad statements, however, are insufficient to satisfy the stringent requirements of 47 U.S.C. § 214(e)(2) and this Commission.

11. Rural Cellular has failed to produce evidence which shows that its designation as an ETC would result in a benefit to consumers through a decrease in the total costs of providing universal service support or that the involved study area can support competition, without resulting in a decrease of ETC funding and a corresponding increase in rates.

12. Alliance asserts that this Commission's designation of Rural Cellular as an ETC would result in an increase in the total costs of providing universal service support to those consumers within their study areas and a potential reduction in funding to incumbent ETCs, thereby producing rate increases and decreases in service and infrastructure investment.


13. Rural Cellular has also requested that the NPSC redefine several rural LEC Service Areas, including that of Alliance. Rural Cellular has requested that this Commission classify each rural LEC wire center listed as an Exhibit to its Petition as a separate service area. Such a request to this Commission will clearly impact Alliance's study areas.

14. Alliance desires to intervene in order that it might receive documents, comment, present testimony, cross-examine witnesses and produce evidence in opposition to the Petition of Rural Cellular, to the extent that such actions are required in the above entitled proceeding.

WHEREFORE, Alliance respectfully requests that the Commission grant this Petition to Intervene and authorize Alliance to participate in the above entitled proceeding with full rights as a formal party.

Dated this 5th day of December, 2003.

CUTLER & DONAHOE, LLP
Attorneys at Law



Ryan J. Taylor
Meredith A. Moore
100 N. Phillips Ave., 9th Floor
Sioux Falls, South Dakota 57104-6725
Telephone (605) 335-4950
Facsimile (605) 335-4961
Attorneys for Petitioner

CERTIFICATE OF SERVICE

The undersigned certifies that on the 5th day of December, 2003, I served a true and correct copy of the Petition to Intervene of Alliance Communications Cooperative, Inc., by regular United States mail, first class postage prepaid, to:

David A. LaFuria
B. Lynn F. Ratnavale
Lukas, Nace, Gutierrez & Sachs, Chartered
111 Nineteenth Street NW, Suite 1200
Washington, DC 20036

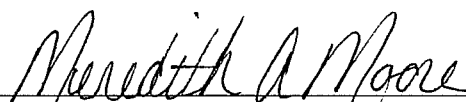
Michelle Farquhar, Counsel
Western Wireless Corporation
Hogan & Hartson
5551 13th Street NW
Washington, SD 20004-1109

Pamela Harrington, General Manager
Roberts County Telephone Cooperative
PO Box 196
New Effington, SD 57255

James M. Cremer
Batz, Gosch & Cremer
P.O. Box 970
Aberdeen, SD 57402

Robert Hoffman
Farmers Mutual Telephone Company
PO Box 368
Bellingham, MN 56212

Colleen Sevold
Qwest Corporation
125 B S. Dakota Avenue
Sioux Falls, SD 57104



One of the Attorneys for Petitioner