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December 4, 2003

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Pamela Bonrud, Executive Director  
S. D. Public Utilities Commission  
500 East Capitol Avenue  
Pierre, SD 57501

**RECEIVED**

DEC 04 2003

Re: Docket Number TC03-193

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

Dear Ms. Bonrud:

Please find enclosed herein an original and ten copies of PETITION TO INTERVENE for filing in TC03-193 on behalf of Interstate Telecommunications Cooperative.

By copy of this letter, I am also serving those parties named on the Service List attached to the Petition.

Sincerely yours,



Darla Pollman Rogers  
Attorney at Law

DPR/ph

Enclosures

CC: Service List  
Jerry Heiberger

RECEIVED

BEFORE THE PUBLIC UTILITIES COMMISSION

DEC 04 2003

OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

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)

Docket No. TC03-193  
PETITION TO INTERVENE

Pursuant to ARSD 20:10:01:15.02 through 20:10:01:15.05, Interstate Telecommunications Cooperative, Inc. ("ITC") petitions to intervene in Docket Number TC03-193 for the following reasons:

1. ITC is headquartered in Clear Lake, South Dakota, is an independent, facilities-based, incumbent local exchange company offering local exchange service in approximately 24 exchanges in South Dakota. ITC is also a "rural telephone company" as defined in 47 U.S.C. § 153(37) and SDCL 49-31-1(22).

2. RCC Minnesota, Inc., and Wireless Alliance, L.L.C., d/b/a Unicel (collectively "Rural Cellular") has applied to the South Dakota Public Utilities Commission ("Commission") to be designated as an eligible telecommunications carrier ("ETC") for purposes of qualifying to obtain federal universal service support in the study areas of several rural telephone companies, including portions of the South Dakota study area of ITC. Exhibit D indicates that Rural Cellular seeks to be designated an ETC in all or parts of 17 of ITC's South Dakota exchanges.

3. The criteria for designation of ETC status are found in 47 U.S.C. § 214(e), 47 C.F.R. § 54.101(a), SDCL 49-31-78, and ARSD 20:10:32:42 through 49. Pur-

suant to these sections of state and federal law, the Commission has authority to grant or deny a petition for designation of a carrier as an ETC.

4. Rural Cellular has applied for ETC designation in portions of ITC's South Dakota study area. ITC disputes Rural Cellular's request on the following grounds:

A. Rural Cellular is unable to provide the services and functionalities required by the FCC in 47 C.F.R. § 54.201.

B. 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 provide those services required by 47 C.F.R. 54.101 throughout the service area for which the designation is sought. Rural Cellular fails to satisfy these requirements and is unable to provide services throughout and coextensive with ITC's entire study area, as required by 47 U.S.C. § 214(e)(1)(A) of the Act, and ARSD 20:10:32:42.

C. Granting Rural Cellular ETC status within parts of ITC's service area is not consistent with the public interest, convenience and necessity of ITC's customers as required by 47 U.S.C. § 214(e)(2) and ARSD 20:10:32:42.

D. Granting Rural Cellular ETC designation in portions of ITC's service area is not in the public interest, as required by 47 U.S.C. § 214(e)(2), SDCL 49-31-78, and ARSD 20:10:32:42.

E. ITC and its customers will experience an unwarranted and adverse economic impact, such as being subjected to unfair, uneconomic competition, if Rural Cellular is granted ETC status in portions of ITC's service area.

5. ITC asserts that this Commission's designation of Rural Cellular as an ETC would result in the increase of the total costs of providing universal service support to all of the consumers within ITC's study area, and a potential reduction in funding to

incumbent ETC's, thereby producing rate increases and decreases in services and infrastructure investment.

6. To accomplish ETC status in a portion of the exchanges of ITC's South Dakota study area and in only parts of some of those exchanges, Rural Cellular requests that the Commission redefine ITC's rural service area. As described in Section VI of the application, the Commission, in reviewing the request, will consider various criteria that impact ITC and the public interest in rural South Dakota.


7. ITC believes it has a direct and significant interest in this docket, and that any decision by the Commission will affect the ability of ITC to provide modern telecommunications services in its service area.

8. ITC desires to intervene in order to have party status in this docket, which enables ITC to receive documents, comment, present testimony, cross-examine witnesses, and produce evidence in opposition to the application of Rural Cellular.

9. ITC is entitled to be granted intervention in this docket pursuant to ARSD 20:10:01:15.05 because the outcome of this proceeding may have a profoundly adverse effect on ITC.

WHEREFORE, ITC respectfully requests that its Petition to Intervene be granted and that ITC be authorized to participate in the above-entitled proceeding with full rights as a formal party.

DATED this 4<sup>th</sup> day of December, 2003.

  
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Darla Pollman Rogers  
Riter, Rogers, Wattier & Brown  
P. O. Box 280  
Pierre, South Dakota 57501  
Telephone (605) 224-7889  
Attorney for ITC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she served a copy of the foregoing **PETITION TO INTERVENE** upon the persons herein next designated, on the date below shown, by depositing a copy thereof in the United States mail at Pierre, South Dakota, postage prepaid, in an envelope addressed to said addressee, to-wit:

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B. Lynn F. Ratnavale  
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Washington, D.C. 20036

Colleen Sevold  
Qwest Corporation  
125 B South Dakota Avenue  
Sioux Falls, South Dakota 57194

Ryan J. Taylor  
Cutler & Donahoe  
100 N. Phillips Ave., #901  
Sioux Falls, South Dakota 57104

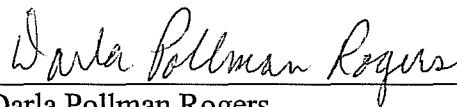
Pamela Harrington, General Manager  
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Robert J. Hoffman  
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James M. Cremer  
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Michelle Farquhar, Counsel  
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Hogan & Hartson  
5551 13th Street, N.W.  
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Dated this 4<sup>th</sup> day of December, 2003.



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