



South Dakota Telecommunications Association
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Rural roots, global connections

December 5, 2003

Ms. Pamela Bonrud, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Ave.
State Capitol Building
Pierre, SD 57501

RECEIVED

DEC 05 2003

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

RE: Docket TC03-193, Rural Cellular Petition for ETC Designation

Dear Ms. Bonrud:

Attached for filing with the Commission in the above referenced docket are the original and ten (10) copies of a Petition to Intervene of the South Dakota Telecommunications Association.

You will also find attached to the Petition a certificate of service verifying service of this document, by mail, on counsel for RCC Minnesota, Inc. and Wireless Alliance, LLC in this matter.

Thank you for your assistance in filing and distribute these documents.

Sincerely,

Richard D. Coit
Executive Director and General Counsel
SDTA

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

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DEC 05 2003

**IN THE MATTER OF THE FILING BY RCC)
MINNESOTA, INC. AND WIRELESS)
ALLIANCE, LLC d/b/a UNICEL FOR)
DESIGNATION AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER)
)**

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

**DOCKET TC03-193
PETITION TO INTERVENE**

SDTA Petition for Intervention

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. RCC Minnesota Inc. and Wireless Alliance, LLC d/b/a Unicel (collectively, "Rural Cellular") have filed a Petition with this Commission pursuant to 47 U.S.C. § 214(e)(2) and SDCL § 49-31-78 seeking designation as an eligible telecommunications carrier ("ECT") in both non-rural and rural service areas within South Dakota. The Petition filed by Rural Cellular also asks this Commission to consider a redefinition of the service areas of certain rural telephone companies operating in South Dakota, for purposes of determining Rural Cellular's universal service obligations and its eligibility for federal universal service funds. The rural telephone companies named in Rural Cellular's "Petition for Designation as an ETC," as referenced in the Exhibits attached to the Petition include: Alliance Communications Cooperative, Inc., RC Communications, Inc., Roberts County Telephone Cooperative Assn., Stockholm-Strandburg Telephone Company, Sully Buttes Telephone Cooperative, Inc., Union Telephone Company, Interstate Telecommunications Cooperative, James Valley Cooperative Telephone Company, Prairie Wave Community Telephone, Inc., Sioux Valley Telephone Company, Valley Telephone Company (Minnesota), and Farmers Mutual Telephone (Minnesota).

2. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota, including most of the rural telephone companies named in Rural Cellular's Petition for Designation as an ETC (operating in those service areas where Rural Cellular is requesting ETC status).

3. The criteria applicable to additional ETC designations are found in 47 U.S.C. § 214(e), SDCL 49-31-78, and ARSD 20:10:32:42 through 49. Pursuant 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. In areas served by rural telephone companies, it is not permissible for the Commission to designate an additional ETC absent first making a finding that the additional designation is in the public interest.

4. In addition, based on the Petition filed by Rural Cellular, it will be necessary for this Commission to undertake a review for purposes of determining the applicable service area. This review must be consistent with applicable Federal-State Joint Board and FCC procedures and also the procedures set forth in ARSD 20:10:32:45.

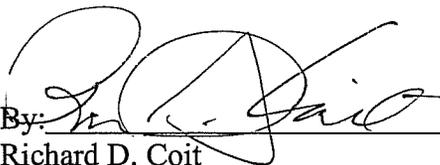
5. SDTA seeks intervention in this proceeding based on the direct interests of the rural telephone company members of SDTA named in the Rural Cellular Petition and also based on the likelihood that determinations made by the Commission in this matter may impact future similar proceedings involving other SDTA member companies. The Rural Cellular Petition raises certain issues that have not previously been addressed by this Commission. Action by the Commission on these issues will require decisions on both policy and legal matters that are matters of first impression and at least some of these decisions are likely to serve as precedent in future similar proceedings. As such, the instant filing by Rural Cellular will not only impact those rural telephone companies named in the Petition for ETC Designation but is likely to affect other rural telephone companies operating in South Dakota.

6. Based on all of the foregoing, SDTA seeks intervening party status in this proceeding.

Dated this 5th day of December, 2003.

Respectfully submitted:

THE SOUTH DAKOTA
TELECOMMUNICATIONS ASSOCIATION

By: 

Richard D. Coit
Executive Director and General Counsel

CERTIFICATE OF SERVICE

I hereby certify that an original and ten (10) copies of the foregoing document were hand-delivered on December 5, 2003 to:

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

A copy was sent by First Class Mail via U.S. Postal Service to:

David A. LaFuria
B. Lynn F. Ratnavale
Luikas, Nace, Gutierrez & Sachs, Chartered
1111 Nineteenth Street NW
Suite 1200
Washington, DC 20036

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

Richard D. Coit, General Counsel
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