

LAW OFFICES
RITER, ROGERS, WATTIER & BROWN, LLP
Professional & Executive Building
319 South Coteau Street
P.O. Box 280
Pierre, South Dakota 57501-0280
www.riterlaw.com

E.D. MAYER
ROBERT C. RITER, Jr.
DARLA POLLMAN ROGERS
JERRY L. WATTIER
JOHN L. BROWN

OF COUNSEL:
Robert D. Hofer
TELEPHONE
605-224-5825
605-224-7889
FAX
605-224-7102

December 4, 2003

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

RECEIVED

DEC 05 2003

SOUTH DAKOTA
UTILITIES COMMISSION

Re: Docket Number TC03-193

Dear Ms. Bonrud:

Please find enclosed herein an original and ten copies of PETITION TO INTERVENE for filing in TC03-193 on behalf of Sioux Valley Telephone Company.

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
Dennis Law

RECEIVED

BEFORE THE PUBLIC UTILITIES COMMISSION

DEC 05 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, Sioux Valley Telephone Company ("Sioux Valley") petitions to intervene in Docket Number TC03-193 for the following reasons:

1. Sioux Valley is headquartered in Dell Rapids, South Dakota, is an independent, facilities-based, incumbent local exchange company offering local exchange service in several exchanges in South Dakota. Sioux Valley 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 Sioux Valley's study area. Exhibit D indicates that Rural Cellular seeks to be designated an ETC in all or parts of four of Sioux Valley's 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. 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.

4. Rural Cellular has applied for ETC designation in portions of Sioux Valley's study area. Sioux Valley 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 Sioux Valley'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 Sioux Valley's service area is not consistent with the public interest, convenience and necessity of Sioux Valley'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 Sioux Valley'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. Sioux Valley 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 Sioux Valley's service area.

5. Sioux Valley 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 Sioux Valley'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 only parts of some of Sioux Valley's exchanges, Rural Cellular requests that the Commission redefine Sioux Valley's rural service area. As described in Section VI of the application, the Commission, in reviewing the request, will consider various criteria that impact Sioux Valley and the public interest in rural South Dakota.

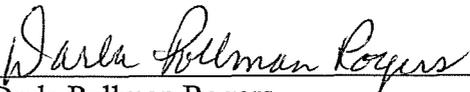
7. Sioux Valley believes it has a direct and significant interest in this docket, and that any decision by the Commission will affect the ability of Sioux Valley to provide modern telecommunications services in its service area.

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

9. Sioux Valley 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 Sioux Valley.

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

DATED this fourth day of December, 2003.



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

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:

David A. LaFuria
B. Lynn F. Ratnavale
Lukas, Nace, Gutierrez & Sachs, Chartered
1111 Nineteenth Street, N.W., Suite 1200
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

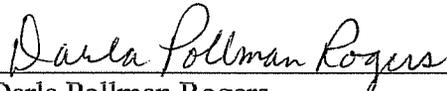
Pamela Harrington, General Manager
Roberts County Telephone Cooperative
P.O. Box 196
New Effington, South Dakota 57255

Robert J. Hoffman
Farmers Mutual Telephone Company
P.O. Box 368
Bellingham, Minnesota 56212

James M. Cremer
Bantz, Gosch & Cremer, LLC
Box 970
Aberdeen, South Dakota 57402-0970

Michelle Farquhar, Counsel
Western Wireless Corporation
Hogan & Hartson
5551 13th Street, N.W.
Washington, D.C. 20004-1109

Dated this fourth day of December, 2003.



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