

LAW OFFICES  
 **Ritter, Rogers, Wattier & Brown, LLP**  
Professional & Executive Building  
319 South Coteau Street  
P.O. Box 280  
Pierre, South Dakota 57501-0280  
[www.riterlaw.com](http://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

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 Union 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  
Richard Freemark

RECEIVED  
DEC 04 2003  
SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

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

1. Union, of Hartford, South Dakota, is an independent, facilities-based, incumbent local exchange company offering local exchange service in approximately 2 exchanges in South Dakota. Union 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 the study area of Union.
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 Union' study area.

Union 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 Union'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 Union's service area is not consistent with the public interest, convenience and necessity of Union'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 Union'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. Union 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 Union's service area.

5. Union 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 Union's study area, and a potential reduction in funding to incumbent ETC's, thereby producing rate increases and decreases in services and infrastructure investment.

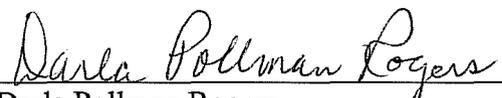
6. Union has a direct and substantial interest in these proceedings because this Commission's decision may directly or indirectly affect the quality or cost of telecommunications services provided by Union to all consumers within Union's study area.

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

8. Union 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 Union.

WHEREFORE, Union respectfully requests that its Petition to Intervene be granted and that Union 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 Union

#### 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, post-age 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 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