

Bantz, Gosch & Cremer, L.L.C.

◆Attorneys at Law ◆

Douglas W. Bantz (1909-1983)
Kennith L. Gosch
James M. Cremer
Rory King
Greg L. Peterson*
Richard A. Sommers
Ronald A. Wager
Melissa E. Neville
Danelle J. Daugherty

*Also Licensed in North Dakota



305 SIXTH AVENUE, S.E.
P.O. BOX 970
ABERDEEN, SD 57402-0970

Telephone (605) 225-2232
Fax (605) 225-2497

www.bantzlaw.com
Writer's E-mail: jcremer@bantzlaw.com

September 13, 2005

08416-023
Ms. Pamela Bonrud
Executive Director
S.D. Public Utilities Commission
500 E. Capitol Avenue
Pierre, SD 57501

RECEIVED
SEP 14 2005
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

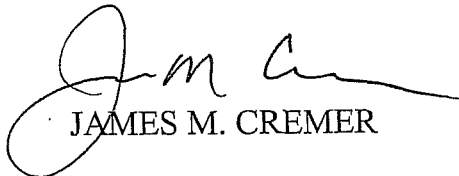
Re: In the Matter of The Establishment of Switched Access Revenue
Requirement for James Valley Cooperative Telephone Company
TCO4-117

Dear Ms. Bonrud:

Enclosed is an original and ten copies of James Valley Cooperative Telephone Company's Objection to MCI's and Midcontinent's Petition to Intervene.

By copy of this letter, I am also serving those parties named in the Certificate of Service.

Sincerely,


JAMES M. CREMER

JMC:tmb

VMC\JV\Cost Studies\Bonrud 2005-09-13

Enclosure

pc James Groft
✓ Harlan Best
Karen Cremer
JoAnn Hohrman
Brett Koenecke
David A. Gerdes

RECEIVED

SEP 14 2005

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE ESTABLISHMENT OF SWITCHED ACCESS REVENUE REQUIREMENT FOR JAMES VALLEY COOPERATIVE TELEPHONE COMPANY)

Docket No. TC04-117 JAMES VALLEY COOPERATIVE TELEPHONE COMPANY'S OBJECTION TO MCI'S AND MIDCONTINENT'S PETITION TO INTERVENE

James Valley Cooperative Telephone Company (James Valley), by and through its undersigned attorney, hereby objects to the Petition to Intervene filed by MCImetro Access Transmission Services, L.L.C. (MCI) and Midcontinent Communications (Midcontinent), and states as follows:

- 1. James Valley filed a switched access cost study on June 30, 2004.
2. The deadline to intervene was July 16, 2004.
3. Pursuant to appropriate notice, the Commission held a hearing on this matter on August 17, 2004, along with hearings on thirteen other companion switched access cost studies (Docket No. TC04-111, 112, 114, 115, 116, 118, 119, 120, 121, 122, 123, 124 and 125).
4. Interveners have taken no action in this matter until they filed the Petition to Intervene, dated August 31, 2005.
5. Pursuant to ARSD 20:10:01:15.02, the test for admitting a late filed intervention is that:

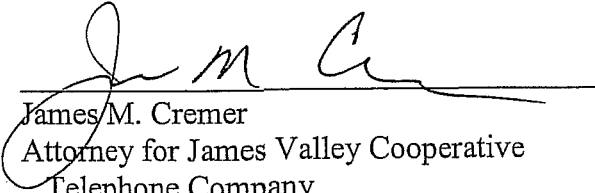
The petition to intervene ...may not be granted by the commission unless the denial of the petition is shown to be detrimental to the public interest or to be likely to result in a miscarriage of justice.

- 6. The petitions to intervene make no showing as to why the denial of the petition to intervene would be detrimental to the public interest or likely result in a miscarriage of justice.
7. The only stated reason in support of the petition to intervene is that the petitioners "verily believe[s] that the Commission's switched access cost model is flawed." (Petition, paragraph 3). However, if petitioners believe the cost model is flawed, this is not the appropriate proceeding within which to challenge that, but instead, this should be raised in a rule making proceeding.

WHEREFORE, James Valley requests that the Commission deny the petitions to intervene.

Dated this 13th day of September, 2005.

BANTZ, GOSCH & CREMER, L.L.C.



James M. Cremer
Attorney for James Valley Cooperative
Telephone Company
P. O. Box 970
Aberdeen, South Dakota 57402-0970
Telephone (605) 225-2232

CERTIFICATE OF SERVICE

The undersigned, attorney for James Valley Cooperative Telephone Company, hereby certifies that on the 13th day of September, 2005, a true and correct copy of the **JAMES VALLEY COOPERATIVE TELEPHONE COMPANY'S OBJECTION TO MCI'S AND MIDCONTINENT'S PETITION TO INTERVENE** was mailed by first class mail, postage prepaid, to:

Harlan Best
Staff Analyst
Public Utilities Commission
500 East Capitol
Pierre, SD 57501

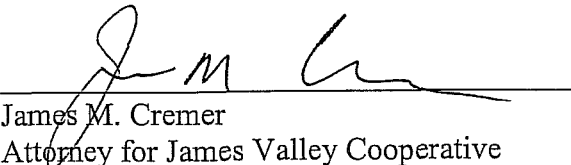
Karen Cremer
Staff Attorney
Public Utilities Commission
500 East Capitol
Pierre, SD 57501

JoAnn Hornman
Telco Revenue Consultant
Vantage Point
1801 North Main Street
Mitchell, SD 57301

Brett Koenecke
May, Adam, Gerdes & Thompson, LLP
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501-0160

David A. Gerdes
May, Adam, Gerdes & Thompson, LLP
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501-0160

BANTZ, GOSCH & CREMER, L.L.C.



James M. Cremer
Attorney for James Valley Cooperative
Telephone Company
P. O. Box 970
Aberdeen, South Dakota 57402-0970
Telephone (605) 225-2232