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September 15, 2005

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

Re: In the Matter of the Establishment of Local Exchange Carriers Asociation's (LECA) Switched Access Revenue Requirements (2004 Dockets)

Dear Pam:

Enclosed herein please find original and ten copies of the ANSWER OF LECA TO MIDCONTINENT'S PETITION TO INTERVENE and ANSWER OF LECA TO MCI'S PETITION TO INTERVENE.

Sincerely yours,

Margo D Northrup

Margo D. Northrup
Attorney at Law

MDN/rar

Enclosures

CC: Karen Cremer
Dave Gerdes
Brett Koenecke
Clients

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE ESTABLISHMENT OF LOCAL EXCHANGE CARRIERS ASSOCIATION'S (LECA) SWITCHED ACCESS REVENUE REQUIREMENTS FOR 2004	DOCKET TC04-119 ANSWER OF LECA TO MCI'S PETITION TO INTERVENE

COMES NOW LOCAL EXCHANGE CARRIERS ASSOCIATION ("LECA"), by its undersigned attorney, and files this Answer to the Petition of MCImetro Access Transmission Services, LLC ("MCI") to Intervene in the above docket.

1. LECA admits that MCI is a certificated communications company, subject to the jurisdiction of the South Dakota Public Utilities Commission ("Commission").

2. On or about June 30, 2004, LECA filed a letter and supporting documentation to establish revised switched access rates for the members of LECA, in accordance with the Commission's current cost study rules.

3. Because MCI has not been a party to these proceedings, it would have no knowledge of the status of responses to data requests from Staff. LECA denies that it has any outstanding responses due to Staff data requests in this docket, and that final approval is awaiting LECA responses.

4. The intervention deadline in this docket was July 16, 2004, which is over one year ago. MCI failed to intervene prior to expiration of said deadline, and has taken no action in this matter until filing its Petition, dated August 31, 2005.

5. ARSD 20:10:01:15.02 sets forth the test for allowance of late-filed intervention petitions:

> A petition to intervene which is not timely filed with the Commission may not be granted by the Commission unless denial of the petition is shown to be detrimental to the public interest or to be likely to result in a miscarriage of justice. (Emphasis added.)

6. MCI has failed to sustain its burden for this Commission to grant a late-filed Petition to Intervene in this docket.

7. Currently, MCI does not pay any switched access charges to LECA member companies. Therefore, MCI does not have a direct interest in the outcome of this docket.

8. LECA would be prejudiced if MCI's late-filed Petition in this docket is granted. To allow a new party to intervene in a docket more than a year after the intervention deadline has passed would cause further delays in the proceeding and subject LECA to the further expense of additional discovery requests from the new party. This is exactly the kind of prejudice that the enforcement of an intervention deadline precludes.

9. The only stated purpose of MCI's Petition is to challenge the Commission's current switched access rules: "denial of its petition will result in the inability of MCI to question the basis for LECA's revised" switched access rates. MCI "verily believes that the cost model is outdated and inaccurately reflects the underlying cost support for the switched access rates resulting from the application of the cost model."

10. LECA and its member companies have filed their cost studies in accordance with the current rules. To allow MCI to intervene and attempt to change those rules would be prejudicial to LECA and to its member companies, because it would force costly revisions or refilings of the current studies.

11. LECA objects to MCI's petition to intervene because, as noted above, its only stated purpose is to challenge the Commission's current switched access rules. Docket TC05-096 is not the proper forum to determine whether the Commission's cost model is outdated and inappropriate. The cost model is part of the current switched access rules, and the Commission, LECA, and members of LECA have appropriately followed and are bound by those rules. To change the rules within this docket would not be appropriate and would be prejudicial to not only LECA, but to all of its member companies, including those members that do not have cost study dockets pending and thus are not parties to any of these proceedings.

12. LECA would be further prejudiced by MCI's Petition to Intervene because of MCI's employment of experts "to review the Commission's cost model as established by its rules" in an attempt to show that the "underlying cost support for the switched access rates" is inaccurate. The involvement of additional experts in this docket, and the conduct of additional discovery, will delay approval of the LECs' cost studies and LECA's cost study docket.

13. This Commission's denial of MCI's late-filed petition in this docket would prevent LECA from being prejudiced by further delays, and such prejudice should not be permitted when MCI has other avenues to achieve its stated purpose of questioning the Commission's current switched access cost model.

14. This Commission's denial of MCI's late-filed petition in this docket would not result in a miscarriage of justice or detriment to the public interest because MCI is not left without recourse. There are other more appropriate methods for MCI to raise the issues addressed in its Petition.

WHEREFORE, LECA respectfully requests this Commission to deny MCI's late-filed intervention.

Respectfully submitted this fifteenth day of September, 2005.

Darla Pollman Rogers

Darla Pollman Rogers
Riter, Rogers, Wattier & Brown, LLP
P. O. Box 280
Pierre, South Dakota 57501

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the ANSWER OF LECA TO MCI'S PETITION TO INTERVENE was served via the method(s) indicated below, on the fifteenth day of September, 2005, addressed to:

Karen Cremer, Staff Attorney	(X)	First Class Mail
South Dakota Public Utilities Commission	( )	Hand Delivery
500 East Capitol Avenue	( )	Facsimile
Pierre, South Dakota 57501	( )	Overnight Delivery
	( )	E-Mail
Brett M. Koenecke	(X)	First Class Mail
May, Adam, Gerdes & Thompson	( )	Hand Delivery
P. O. Box 160	( )	Facsimile
Pierre, South Dakota 57501	( )	Overnight Delivery
	( )	E-Mail

Dated this fifteenth day of September, 2005.

Darla Pollman Rogers

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