

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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AUG 31 2005

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

IN THE MATTER OF THE ESTABLISHMENT ) TC04-121  
OF SWITCHED ACCESS REVENUE )  
REQUIREMENT FOR VIVIAN ) PETITION TO INTERVENE  
TELEPHONE COMPANY )

Pursuant to ARSD 20:10:01:15.02 MCImetro Access Transmission Services, LLC, ("MCI") by its undersigned counsel petitions the Commission as follows:

1. MCI is a certificated communications company under the jurisdiction of the Commission.

2. Vivian Telephone Company ("Vivian") has or will file with the Commission, pursuant to pending staff data requests, supplemental information to justify its revised switched access separations study intended to provide a foundation for the computation of its intrastate switched access revenue requirement to be incorporated into the final LECA access tariff, which has been pending before the Commission for approximately one year.

3. MCI verily believes that the Commission's switched access cost model is flawed permitting costs to be overstated, both because of the inappropriate use of known and measurable changes, as well as mistakes in the underlying cost support for the computation. MCI has employed experts to study the Commission's cost model who will examine the cost figures underlying the proposed LECA tariff, including those for petitioner, and conclude that the resulting proposed switched access rates are overstated.

4. MCI recognizes this is a late filed petition for intervention. However, nothing of substance has occurred in this docket and in the LECA switched access rate docket, TC04-119. An initial filing was made, followed by an amendment to the filing. The Commission entered an order permitting the rates to go into effect subject to refund. As petitioner understands it, the Commission staff has awaited for some time a response to pending data requests, and nothing of substance has occurred. The questions presented by this intervention and MCI's proposed

intervention in the LECA docket constitute a matter of great public interest and a denial of this petition would be detrimental to the public interest and likely to result in a miscarriage of justice. Overstated switched access rates by the Association as a whole would constitute an undue burden upon Petitioner and Petitioner's customers, thus affecting a substantial segment of telephone traffic in the state.

WHEREFORE MCI prays that the Commission permit its intervention and participation in this proceeding to examine and cross-examine witnesses, conduct discovery and offer evidence on its own behalf.

Dated this 31<sup>st</sup> day of August, 2005.

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BY: 

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#### CERTIFICATE OF SERVICE

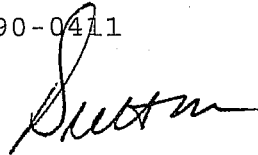
Brett Koenecke of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 31<sup>st</sup> day of August, 2005, he mailed by United States mail, first class postage thereon prepaid, a true and correct copy of the foregoing in the above-captioned action to the following at their last known addresses, to-wit:

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