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November 18, 2004

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Karen Cremer
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RECEIVED
NOV 18 2004
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

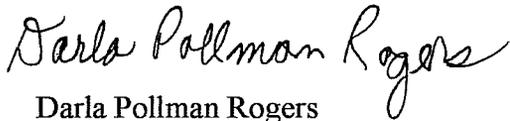
Re: Docket TC04-213
Our File Number 04-217 Interstate Telecommunications Cooperative

Dear Karen:

Enclosed herein are the original and ten copies of ITC's Petition to Intervene in the above-named docket.

By copy of this letter, I am also serving David A. LaFuria and Richard J. Helsper, as indicated on the Certificate of Service attached to the Petition.

Sincerely yours,



Darla Pollman Rogers
Attorney at Law

DPR/ph

Enclosures

CC: Jerry Heiberger

RECEIVED

BEFORE THE PUBLIC UTILITIES COMMISSION

NOV 18 2004

OF THE STATE OF SOUTH DAKOTA

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

IN THE MATTER OF THE PETITION
OF BROOKINGS MUNICIPAL
UTILITIES d/b/a SWIFTEL
COMMUNICATIONS FOR
DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER
UNDER 47 U.S.C. § 214(e)(2)

Docket No. TC04-213
PETITION TO INTERVENE

Pursuant to ARSD 20:10:01:15.02 through 20:10:01:15.05, Interstate Telecommunications Cooperative, Inc. ("ITC") petitions to intervene in Docket Number TC04-213 for the following reasons:

1. ITC is headquartered in Clear Lake, South Dakota, is an independent, facilities-based, incumbent local exchange company offering local exchange service in 24 exchanges in South Dakota. ITC is also a "rural telephone company" as defined in 47 U.S.C. § 153(37) and SDCL 49-31-1(22).

2. Brookings Municipal Utilities d/b/a Swiftel Communications ("Swiftel") 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 the South Dakota study area of ITC. Exhibit D of Swiftel's Application indicates that Swiftel seeks to be designated an ETC in all or parts of 21 of ITC's 24 South Dakota 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. Swiftel has applied for ETC designation in portions of ITC's South Dakota study area. ITC disputes Swiftel's request on the following grounds:

A. Swiftel is unable to provide the services and functionalities required by the FCC in 47 C.F.R. § 54.201, throughout the designated ETC service area.

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. Swiftel fails to satisfy these requirements and is unable to provide services throughout and coextensive with ITC'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 Swiftel ETC status within parts of ITC's service area is not consistent with the public interest, convenience and necessity of ITC's customers as required by 47 U.S.C. § 214(e)(2) and ARSD 20:10:32:42.

D. Granting Swiftel ETC designation in portions of ITC'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. ITC and its customers will experience an unwarranted and adverse economic impact, such as being subjected to unfair, uneconomic competition, if Swiftel is granted ETC status in portions of ITC's service area.

5. ITC asserts that this Commission's designation of Swiftel as an ETC would result in the increase of the total costs of providing universal service support to all

of the consumers within ITC'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 a portion of the exchanges of ITC's South Dakota study area and in only parts of some of those exchanges, Swiftel requests that the Commission redefine ITC's rural service area. As described in Section V of the application, the Commission, in reviewing the request, will consider various criteria that impact ITC and the public interest in rural South Dakota.

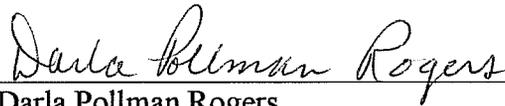
7. ITC believes it has a direct and significant interest in this docket, and that any decision by the Commission will affect the ability of ITC to provide modern telecommunications services in its service area.

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

9. ITC 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 ITC.

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

DATED this 18th day of November, 2004.



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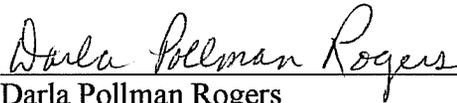
CERTIFICATE OF SERVICE

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:

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B. Lynn F. Ratnavale
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Brookings, SD 57006

Dated this 18th day of November, 2004.



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