

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE APPLICATION )  
OF PACIFIC CENTREX SERVICES, INC. FOR )  
A CERTIFICATE OF AUTHORITY TO )  
PROVIDE FACILITIES-BASED AND RESOLD )  
LOCAL EXCHANGE SERVICES )**

**DOCKET TC05-059**

**RECEIVED**

**MAY 06 2005**

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

**SDTA Petition to Intervene**

The South Dakota Telecommunications Association ("SDTA") hereby petitions the Commission for intervention in the above captioned proceeding pursuant to SDCL 1-26-17.1 and ARSD §§ 20:10:01:15.02, 20:10:01:15.03 and 20:10:01:15.05. In support hereof, SDTA states as follows:

1. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota.

2. On or about April 21, 2005, Pacific Centrex Services, Inc. ("Pacific Centrex") filed an "Application for Authority to Provide Local Exchange Services" with the Commission requesting a certificate of authority for local exchange service.

4. Under the application filed, it appears that Pacific Centrex is seeking a statewide certification. Paragraph II.1 of the application states that Pacific Centrex "proposes to provide resold local exchange service to subscribers from all points within the State of South Dakota and, therefore, seeks statewide authorization. Specifically, Applicant seeks authority to resell local exchange service in the existing service areas of Qwest and any other relevant carriers."

5. If Pacific Centrex is actually seeking a statewide certificate of authority for local exchange telecommunications services, the provisions of SDCL § 49-31-70 and ARSD § 20:10:32:04 are applicable and require that notice of the application be provided to other, already certified, local exchange carriers. No indication is given by the application as to whether Pacific Centrex has provided this required notice.

6. All of the SDTA member companies operate as "rural telephone companies" for purposes of the Federal Telecommunications Act of 1996 and also the state laws enacted in 1998 addressing local exchange competition (SDCL §§ 39-31-69, et. seq.).

7. Assuming the application filed by Pacific Centrex seeks a statewide certificate of authority for local exchange services, clearly all of the SDTA member local exchange carriers (“LECs”) have an interest in and stand to be impacted by this proceeding. SDTA seeks intervention in this proceeding based on the individual interests of each of its member LECs and based on their common interest to ensure that the rural safeguard provisions contained in the state statutes and within the Commission’s administrative rules are properly applied. With respect to the application for a certificate of authority filed by Pacific Centrex, SDTA has some concerns.

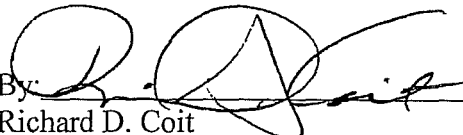
8. SDTA first believes that the application is deficient for failing to provide all of the information required by the Commission’s administrative rules. In addition, SDTA is concerned because Pacific Centrex has not indicated that it would comply with the additional service obligations imposed on local service providers in rural service areas pursuant to SDCL § 49-31-73 and ARSD §§ 20:10:32:15 thru 20:10:32:17. Before granting Pacific Centrex a certificate of authority to provide any local exchange services, this Commission must insist on compliance with these additional service obligations in rural service areas or, in the alternative, Pacific Centrex must follow the waiver process prescribed under both the state statute and in the Commission rules. This waiver process requires a finding by the Commission that the waiver would not “adversely impact universal service, that quality of services would be continued, and that it would otherwise be in the public interest.” SDCL § 49-31-73. Under Section 20:10:32:18 of the Commission’s administrative rules, Pacific Centrex has the burden to prove that granting it a waiver of the ETC service obligations would be consistent with these standards.

9. Based on all of the foregoing, SDTA alleges that it is an interested party in this matter and would seek intervening party status.

Dated this 6th day of May, 2005.

Respectfully submitted:

THE SOUTH DAKOTA  
TELECOMMUNICATIONS ASSOCIATION

By:   
Richard D. Coit  
Executive Director and General Counsel

## CERTIFICATE OF SERVICE

I hereby certify that an original and ten (10) copies of the foregoing document were hand-delivered to the South Dakota PUC on May 6, 2005, directed to the attention of:

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

A copy was sent by U.S.P.S. First Class Mail to:

Patrick D. Crocker  
Early, Lennon, Crocker & Bartosiewicz, P.L.C.  
900 Comerica Building  
Kalamazoo, MI 49007

Ronald D. Olinger  
117 East Capitol  
Pierre, SD 57501

Dated this 6<sup>th</sup> day of May, 2005.



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