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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE ESTABLISHMENT) TC05-098
OF SWITCHED ACCESS REVENUE)
REQUIREMENT TRI-COUNTY TELECOM, INC.) PETITION TO INTERVENE

Pursuant to ARSD 20:10:01:15.02 Midcontinent Communications ("Midcontinent") by its undersigned counsel petitions the Commission as follows:

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

2. Tri-County Telecom, Inc. ("Tri-County") has or will file with the Commission 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 LECA access tariff.

3. Midcontinent 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. Midcontinent 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. Midcontinent 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, TC05-096. The questions presented by this intervention and Midcontinent'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 Midcontinent 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 1st day of September, 2005.

MAY, ADAM, GERDES & THOMPSON LLP

BY: 

DAVID A. GERDES

Attorneys for Midcontinent

503 South Pierre Street

P.O. Box 160

Pierre, South Dakota 57501-0160

Telephone: (605)224-8803

Telefax: (605)224-6289

CERTIFICATE OF SERVICE

David A. Gerdes of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 1st day of September, 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:

Keith Senger, Staff Analyst
Public Utilities Commission
500 East Capitol
Pierre, SD 57501

Karen Cremer, Staff Attorney
Public Utilities Commission
500 East Capitol
Pierre, SD 5750

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

Bryan Roth
General Manager
McCook Cooperative Telephone Company
P. O. Box 630
Salem, SD 57058-0630

A handwritten signature in black ink, appearing to read "David A. Gerdes", written over a horizontal line.

David A. Gerdes