

# MOSS & BARNETT

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September 26, 2005

**VIA FEDERAL EXPRESS**


Karen Cremer, Staff Attorney  
South Dakota Public Utilities Commission  
500 East Capitol Avenue  
Pierre, South Dakota 57501

Re: In the Matter of the Establishment of Switched Access Revenue Requirement Fort  
Randall Telephone Company and Mount Rushmore Telephone Company  
Docket No.: TC05-099

Dear Ms. Cremer:

Enclosed for filing please find the original and 10 copies of the Answer of Fort Randall Telephone Company and Mount Rushmore Telephone Company to AT&T's Petition to Intervene in the above-referenced docket. Also enclosed is a Certificate of Service.

Very truly yours,

  
Michael J. Bradley

MJB/krm

Enclosures

cc: All parties of record

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SEP 27 2005

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OF COUNSEL  
THOMAS E. HARMS  
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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 OF SWITCHED ACCESS  
REVENUE REQUIREMENT FORT RANDALL  
TELEPHONE COMPANY AND MOUNT  
RUSHMORE TELEPHONE COMPANY

TC05-099

ANSWER OF FORT RANDALL  
TELEPHONE COMPANY AND MOUNT  
RUSHMORE TELEPHONE COMPANY TO  
AT&T's PETITION TO INTERVENE

COME NOW Fort Randall Telephone Company and Mount Rushmore Telephone Company (collectively "Fort Randall"), by their undersigned attorney, and files this Answer to the Petition of AT&T Communications of the Midwest, Inc. ("AT&T") to Intervene in the above docket.

1. Fort Randall admits that AT&T is a certificated communications company, subject to the jurisdiction of the South Dakota Public Utilities Commission ("Commission").
2. Fort Randall affirmatively states that on July 1, 2005, it filed with the Commission a switched access filing pursuant to the rules established by the Commission. Contrary to AT&T's assumption, Fort Randall is not a member of LECA, and its costs are not reflected in the LECA access tariff. Fort Randall has no knowledge of how long the LECA access tariff filing has been pending before the Commission.
3. The intervention deadline has expired.
4. Pursuant to appropriate notice, the Commission held hearing on this docket for the purpose of assessing initial filing fees on August 2, 2005 and August 18, 2005.
5. AT&T has taken no action in this docket until filing of the current Petition to Intervene, dated September 15, 2005.

6. 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.)

7. AT&T's petition is premised on its general opposition to an increase in access rates.

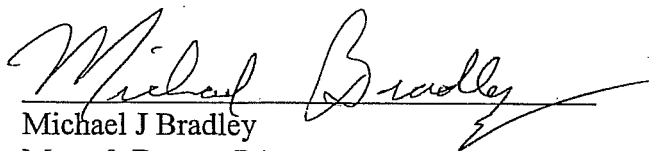
That is not a sufficient legal basis for opposing the cost-based rates permitted by the Commission Rules. Nor does AT&T offer any evidence explaining why its participation is necessary in a proceeding which is limited to determining whether Fort Randall's filing correctly implements established Commission rules and practices. No new policies or procedures will result from this proceeding.

8. Fort Randall would be prejudiced if AT&T's late-filed Petition in this docket is granted. To allow a new party to intervene in a docket after the intervention deadline has passed would cause further delays in this proceeding, and subject Fort Randall to the further expense of additional discovery requests from the new party. This is exactly the kind of prejudice that enforcement of an intervention deadline precludes.

9. The Commission's denial of AT&T's late-filed petition in this docket would not result in a miscarriage of justice or detriment to the public interest because, to the extent AT&T's actual objection is to the Commission's rules, there are other more appropriate methods for AT&T to raise that matter.

WHEREFORE, Fort Randall respectfully requests that this Commission deny AT&T's late-filed intervention.

Respectfully submitted this twenty-sixth day of September, 2005.

A handwritten signature in cursive script, reading "Michael J Bradley", written over a horizontal line.

Michael J Bradley  
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4800 Wells Fargo Center  
90 South Seventh Street  
Minneapolis Minnesota 55402  
Telephone (612) 347-0337

Attorneys on behalf to Fort Randall Telephone  
Company and Mount Rushmore Telephone  
Company

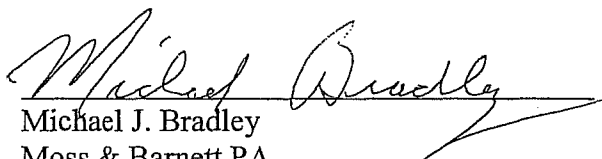
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the ANSWER OF FORT RANDALL TELEPHONE COMPANY AND MOUNT RUSHMORE TELEPHONE COMPANY TO AT&T'S PETITION TO INTERVENE was served via the method(s) indicated below, on the twenty-sixth day of September, 2005, addressed to:

Karen Cremer, Staff Attorney	( )	First Class Mail
South Dakota Public Utilities Commission	( )	Hand Delivery
500 East Capitol Avenue	( )	Facsimile
Pierre, SD 57501	( x )	Overnight Delivery
	( )	E-Mail

John S. Lovald	( )	First Class Mail
William M. Van Camp	( )	Hand Delivery
Olinger, Lovald, McCahren and Reimers, P.C.	( )	Facsimile
117 East Capitol Avenue	( x )	Overnight Delivery
PO Box 66	( )	E-Mail
Pierre, SD 57501		

Dated this twenty sixth day of September, 2005.

  
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