



South Dakota Telecommunications Association
PO Box 57 ■ 320 East Capitol Avenue ■ Pierre, SD 57501
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Rural roots, global connections

August 15, 2005

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AUG 15 2005

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Ms. Pamela Bonrud, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Ave.
State Capitol Building
Pierre, SD 57501

RE: Docket TC05-137, In the Matter of the Joint Petition for Extension of the
Suspension Date and the Date to File Further Suspension Request

Dear Ms. Bonrud:

Attached for filing with the Commission in the above referenced docket are the original and ten (10) copies of a Petition to Intervene of the South Dakota Telecommunications Association.

You will also find attached to the Petition a certificate of service verifying service of this document, by mail, on counsel for the Petitioners and also local counsel for Western Wireless Corporation.

Thank you for your assistance in filing and distributing these documents.

Sincerely,

Richard D. Coit
Executive Director and General Counsel
SDTA

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

**IN THE MATTER OF THE JOINT)
PETITION FOR EXTENSION OF)
SUSPENSION DATE AND THE DATE TO)
FILE FURTHER SUSPENSION REQUEST)
)
)**

**DOCKET TC05-137
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**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

SDTA Petition for Intervention

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. On or about August 4, 2005, a number of rural telephone companies, all of which are SDTA member companies, submitted to the Commission a "Joint Petition for Extension of Suspension Date and the Date to File Further Suspension Request." Pursuant to this Petition, each of the companies seeks from this Commission an extension of the suspension date that was previously established by this Commission through Local Number Portability ("LNP") suspension proceedings held last year. The companies participating in this joint filing and the related earlier LNP proceedings as docketed by the Commission are listed below:

- Kennebec Telephone Company – Docket TC04-025
- Santel Communications Cooperative – Docket TC04-038
- Sioux Valley Telephone Company – Docket TC04-044
- Golden West Telecommunications Cooperative, Vivian Telephone Company, and Kadoka Telephone Company – Docket TC04-045
- Armour Telephone Company, Bridgewater-Canistota Independent Telephone Company, and Union Telephone Company – Docket TC04-046
- Swiftel Communications – Docket TC04-047
- Beresford Municipal Telephone – Docket TC04-048
- McCook Cooperative Telephone – Docket TC04-049
- Valley Telecommunications Cooperative – Docket TC04-050
- Faith Municipal Telephone – Docket TC04-051

Midstate Communications – Docket TC04-052
Western Telephone Company – Docket TC04-053
Interstate Telecommunications Cooperative – Docket TC04-054
Alliance Communications, Splitrock Properties, Inc. – Docket TC04-055
Roberts County Telephone Coop., RC Communications, Inc. – Docket TC04-056
Venture Communications Cooperative – Docket TC04-060
West River Cooperative Telephone – Docket TC04-061
Stockholm-Strandburg Telephone Company – Docket TC04-062
Tri-County Telcom – Docket TC04-84

2. The above listed companies are seeking a further suspension of this Commission's established timeline for LNP implementation based on the decision of the United States Court of Appeals for the D.C. Circuit which found error with the FCC's *Intermodal Order* and the FCC's still pending proceeding on remand from the Court's decision.¹ Specifically, the Court concluded that the FCC had failed to conduct the "Regulatory Flexibility Analysis" that is required under federal law and remanded the FCC's *Intermodal Order* back to the FCC for the appropriate RFA. With its remand, the Court of Appeals stayed any future enforcement of the *Intermodal Order*, as it applies to "small entities," until such time that the FCC performs and publishes its RFA. The FCC is still in the process of taking written comments in its proceeding on remand and is improbable that any final decision in such proceeding will be released and published prior to October 1st, 2005, the date that this Commission has established for further suspension requests relating to LNP implementation.

3. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota. As noted, all of the above listed rural telephone companies are members of the SDTA.

¹ United States Telecom Ass'n v. FCC, 400 F.3rd 29 (D.C. Cir. 2005) and Public Notice, CC Docket No. 95-116, FCC05-87, rel. April 22, 2005.

4. SDTA participated as an intervening party in the earlier docketed LNP proceedings involving each of the petitioning companies in this matter and seeks intervention in this proceeding based on the same interests.

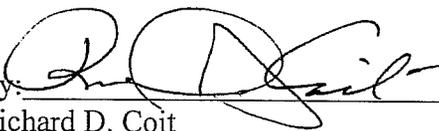
5. SDTA supports the Joint Petition that has been filed for all the reasons set forth in the Joint Petition and strongly urges the Commission to grant the relief requested.

6. Based on all of the foregoing, SDTA seeks intervening party status in this proceeding.

Dated this 15th day of August, 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 enclosed document were hand-delivered to the South Dakota PUC on August 15, 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 US Postal Service First Class mail to the following individuals:

Darla Rogers
Riter Rogers Wattier & Brown
PO Box 280
Pierre, SD 57501-0280

Talbot Wieczorek
Gunderson Palmer Goodsell & Nelson LLP
440 Mt. Rushmore Rd.
Rapid City, SD 57701

Dated this 15th day of August, 2005.



Richard D. Coit, General Counsel
South Dakota Telecommunications Association
PO Box 57 – 320 East Capitol Avenue
Pierre, SD 57501-0057