

**BEFORE THE PUBLIC UTILITIES COMMISSION**

**RECEIVED**

**OF THE STATE OF SOUTH DAKOTA**

**JUN 05 2006**

**IN THE MATTER OF THE PETITIONS OF )  
ARMOUR INDEPENDENT TELEPHONE )  
COMPANY, GOLDEN WEST )  
TELECOMMUNICATIONS COOPERATIVE, )  
INC., KADOKA TELEPHONE COMPANY, )  
SIOUX VALLEY TELEPHONE COMPANY, )  
UNION TELEPHONE COMPANY, AND )  
VIVIAN TELEPHONE COMPANY FOR )  
ARBITRATION TO RESOLVE ISSUES )  
RELATING TO INTERCONNECTION )  
AGREEMENTS WITH WWC LICENSE, L.L.C. )**

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

**DOCKETS TC06-036,  
TC06-37, TC06-38,  
TC06-39, TC06-40,  
TC06-41 AND TC06-042**

**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 May 3, 2006, a number of Petitions for Arbitration were filed with this Commission by certain rural telephone companies including Armour Independent Telephone Company (Docket TC06-036), Bridgewater-Canistota Independent Telephone Company (Docket TC06-037), Golden West Telecommunications Cooperative, Inc. (Docket TC06-038), Kadoka Telephone Company (Docket TC06-039), Sioux Valley Telephone Company (Docket TC06-040), Union Telephone Company (Docket TC06-041), and Vivian Telephone Company (Docket TC06-042). With these Petitions for Arbitration the companies (collectively referred to as the "Golden West Companies") have asked this Commission to arbitrate and resolve certain unresolved interconnection issues that each of the companies has with WWC License L.L.C. ("WWC"). On or about May 30, 2006, WWC filed with the Commission a "Response of WWC License L.L.C. to Petitions for Arbitration of the Golden West Companies" (hereinafter referenced as the "WWC Response.")

3. In reviewing the Petitions for Arbitration that have been filed and also the WWC Response, it is apparent that there are numerous interconnection related issues between the parties that are presently unresolved. It is requested by the Golden West Companies and WWC that the Commission arbitrate each of these unresolved issues pursuant to Section 252 of the Telecommunications Act of 1996, SDCL 49-31-81, and ARSD 20:10:32:29. To this point, SDTA has identified the following as issues that would be subject to arbitration in this proceeding:

- Issues pertaining to the development of an appropriate reciprocal compensation rate that would apply to local telecommunications traffic exchanged between the parties.
- Issues related to the "Forward Looking Economic Cost" ("FLEC") model utilized by the Golden West Companies to develop their proposed reciprocal compensation rates and whether the model used is consistent with the provisions of 47 U.S.C. § 252(d)(2) and 47 C.F.R. § 51.505 and 47 C.F.R. § 51.511.
- Issues regarding the method(s) and data that should be used to develop an appropriate "Percent InterMTA Use Factor" that can be applied to minutes of use terminated by the Golden West Companies.
- Issues as to what rates should be applied by the Golden West Companies to InterMTA traffic that is received for termination from WWC.
- Whether it is appropriate to charge intrastate switched access charges on InterMTA traffic terminated by the Golden West Companies that is identified as intrastate (originating in and terminating within the State of South Dakota)?
- Whether the interconnection agreement between the parties should incorporate a reciprocal compensation credit factor for purposes of determining the compensation to be paid to WWC for landline-wireless Minutes of Use ("MOU"), or whether the compensation for these MOU should be based on actual measured usage?
- Issues surrounding the establishment of "interim compensation" between the parties.
- Issues as to what constitutes "local traffic" with respect to telecommunications traffic exchanged between the parties and, more specifically, whether landline-to-wireless traffic terminated outside the landline local exchange

calling area is subject to reciprocal compensation charges or switched access charges.

- Issues related to whether it would be appropriate for WWC to assess an “asymmetrical” reciprocal compensation rate on landline-to-wireless MOU.
- Whether WWC is entitled to claim reciprocal compensation and charge access rates on non-local landline-to-wireless MOU?
- Issues concerning the application of intrastate access rates by the Golden West Companies in determining charges for InterMTA traffic.
- Issues concerning the effective term on any finalized agreement(s)?
- Issues as to what dispute resolution process should be incorporated into the Agreement terms.
- Issues concerning the pricing of direct trunked or dedicated interconnection facilities leased by WWC from the Golden West Companies, including the issue of whether a “FLEC” method must be used to price such facilities.
- Issues concerning “N-1 Carrier” routing obligations related to telecommunications traffic that is routed to ported numbers.
- Whether WWC is entitled to the local rating and routing of calls to its assigned NXX numbers without having to establish a physical presence within the landline local calling area (“Virtual NXX” issue)?
- Whether the Golden West Companies must permit interconnection at a single point of interconnection within the LATA?
- Whether WWC is entitled to charge a “tandem compensation rate” on all calls sent to it for termination?
- Whether the Golden West Companies are required to resell their retail local exchange services to WWC?
- Whether WWC should have access to the Golden West Companies’ “selective routers” for purposes of implementing Enhanced 911?

4. Many of the above issues identified by the parties in this matter have not previously been addressed by this Commission and SDTA is concerned that decisions made by the Commission in this arbitration proceeding will affect not just the interest of the Golden West Companies, but the interests of all SDTA member companies. All of the SDTA member

companies currently have interconnection arrangements with WWC for purposes of exchanging telecommunications traffic and it is suspected that the decisions made by the Commission in this proceeding will set the stage for future changes to these other existing interconnection arrangements.

5. Although the Commission has not noticed this matter for intervention, SDTA seeks intervention herein on the basis that the legal property interests of all of the SDTA member LECs are likely to be “bound and affected either favorably or adversely” by the outcome of the proceeding. (See ARSD § 20:10:01:15.05). SDTA is especially concerned that the interests of its member companies be protected on issues concerning: how “forward looking economic costs” are developed for purposes of determining reciprocal compensation rates; what methods and data should be used to identify InterMTA traffic; what rates should be applied to InterMTA traffic; what constitutes local vs. non-local traffic with respect to traffic exchanged between wireless and wireline carriers; whether rates should be symmetrical or asymmetrical; whether “Virtual NXX” is a proper arrangement; and what “point of interconnect” or “POI” obligations exist between the parties.

5. Because the Commission serves as the arbitrating entity in this case, there is no second opportunity for SDTA to effectively advocate or preserve the common interests of its member companies on the issues presented. Accordingly, the denial of SDTA’s requested intervention in this proceeding would violate its due process rights and the due process rights of its member companies.

6. 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 5<sup>th</sup> day of June 2006.

Respectfully submitted:

SDTA

By: 

Richard D. Coit

Executive Director and General Counsel

## CERTIFICATE OF SERVICE

I hereby certify that an original and ten (10) copies of the SDTA Petition to Intervene in Dockets TC06-036 thru TC06-042 was hand-delivered to the South Dakota PUC on June 5, 2006, directed to the attention of:

Patty Van Gerpen  
Executive Director  
South Dakota Public Utilities Commission  
500 East Capitol Avenue  
Pierre, SD 57501

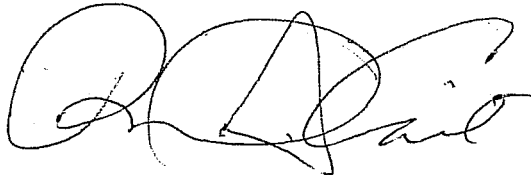
A copy was sent by US Postal Service First Class mail to each of the following individuals:

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Dated this 5th day of June, 2006.



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