

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

In the Matter of the Petition of Brookings     )  
Municipal Utilities d/b/a Swiftel Communi-    )  
cations for Suspension or Modification of     )     Docket No. TC07-007  
Dialing Parity, Number Portability and        )  
Reciprocal Compensation Obligation            )

**SOUTH DAKOTA NETWORK, LLC'S**  
**PETITION TO INTERVENE**

South Dakota Network, LLC ("SDN"), by and through its attorneys of record, Darla Pollman Rogers, of the law firm of Riter, Rogers, Wattier & Brown, LLP, hereby petitions the Commission for intervention in the above-captioned proceeding pursuant to SDCL §1-26-17.1 and A.R.S.D. §§ 20:10:01:15.02, 20:10:01:15.03 and 20:10:01:15.05. In support hereof, SDN states as follows:

1. SDN is a limited liability company with its principal place of business at 2900 West 10<sup>th</sup> Street, Sioux Falls, South Dakota 57104. SDN provides various telecommunications services, including, but not limited to centralized equal access services and lease of facilities to various interexchange carriers.

2. On January 30, 2007, Brookings Municipal Utilities d/b/a Swiftel Communications ("Swiftel") filed with this Commission a Petition for Suspension or Modification of its obligations to provide Local Number Portability, Dialing Parity and Reciprocal Compensation. Generally, Swiftel has requested that it not have to provide wireline local number portability until four months after a competitive LEC is certified to provide local service in Swiftel's service territory, and that in the provisioning of local number portability, Swiftel will not be required to transport ported numbers beyond its

service territory. Regarding dialing parity, Swiftel has asked for a determination that Swiftel is not required to provide local dialing parity and is not required to transport outside its service territory. This includes a modification of toll dialing parity requirements so Swiftel would not be required to perform equal access functions at its switch or establish access traffic transport facilities other than the common trunks to SDN. Finally, Swiftel has requested modification of its reciprocal compensation requirements so that it does not have to pay reciprocal compensation for traffic terminating to a wireless carrier within the same MTA as Swiftel when the call is handed off by Swiftel to an IXC. Swiftel has also requested immediate suspension of these obligations.

3. On February 12, 2007, Alltel Communications, Inc. (“Alltel”) and Sprint Communications Company Limited Partnership (“Sprint”) petitioned to intervene in the above-captioned proceeding. Alltel and Sprint are in opposition to the Suspension or Modification Petition.

4. SDN was formed in 1991 and has been in operation since that time. SDN provides centralized equal access (“CEA”)<sup>1</sup> services for many of the local exchange carriers (“LEC”s) in South Dakota, including Swiftel. SDN was created to bring the benefits of equal access to rural communities in a cost-effective matter. Without SDN, equal access, along with the benefits of toll competition, may have been greatly delayed or not available at all to the communities of South Dakota. By aggregating access traffic at a centralized point and by providing state of the art centralized equal access facilities,

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<sup>1</sup> CEA is a service that provides for the concentration and distribution function of originating and terminating traffic (calls) between LECs and IXCs. The service also enables end user customers in the local exchange markets to originate long distance calls using uniform CICs that are stored for each active member in the markets.

SDN's network facilitated the choice of long distance carriers in many rural communities for the first time.

5. In the Petition filed by Swiftel, Swiftel has alleged that without receiving the requested suspension on toll dialing parity, toll traffic will be removed from the SDN network, according to a position urged by Sprint. The removal of such toll traffic from the SDN network would adversely impact SDN and threaten the substantial public interest benefits which state and federal regulators have found to have justified the construction and operation of SDN's CEA network. Swiftel's Petition quantifies the annual reduction in SDN's regulated, CEA revenues as \$131,000.00. Such a reduction could easily frustrate the public interest benefits attendant to SDN's network, as a result of stranded investment and/or upward pressure on SDN's CEA rates, which will burden other interexchange carriers who, unlike Sprint, have not bypassed the SDN network. Based upon Swiftel's assertion, and the Sprint bypass proposal which it addresses, SDN respectfully submits that its interests are directly adversely impacted, and that no other party can adequately represent SDN's unique interests as a CEA provider. Furthermore, given this Commission's and the FCC's prior public interest findings favoring the SDN network, SDN respectfully submits that the telecommunications industry and South Dakota's consumers could be detrimentally affected by Sprint's CEA bypass proposal, as reflected in Swiftel's Petition.

WHEREFORE, based on the foregoing, SDN is an interested party in this matter and should be permitted to intervene and participate as a party.

Dated this 15<sup>th</sup> day of February, 2007.

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**Certificate of Service**

The undersigned, attorney for South Dakota Network, LLC, hereby certifies that a true and correct copy of the foregoing Petition to Intervene was sent electronically on this 15<sup>th</sup> day of February, 2007, upon:

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