



South Dakota Telecommunications Association

PO Box 57 ■ 320 East Capitol Avenue ■ Pierre, SD 57501

605/224/7629 ■ Fax 605/224/1637 ■ www.sdtaonline.com

Rural roots, global connections

February 16, 2007

Ms. Patty Van Gerpen, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Ave.
State Capitol Building
Pierre, SD 57501

RE: Docket TC07-007, Petition of Brookings Municipal Utilities d/b/a Swiftel
Communications for Suspension or Modification

Dear Ms. Van Gerpen:

Enclosed for filing in the above referenced docket you will find the electronic original of a
"SDTA Petition to Intervene."

As is evidenced by the Certificate of Service attached to the Petition, service has been made to
Swiftel Communications and other intervening parties.

Thank you for your assistance in filing and distributing copies of this Petition.

Sincerely,

Richard D. Coit
SDTA Executive Director and General Counsel

CC: Richard J. Helsper
Benjamin H. Dickens
Mary J. Sisak
Talbot J. Wiczorek
Darla Pollman Rogers

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

**IN THE MATTER OF THE PETITION OF)
BROOKINGS MUNICIPAL UTILITIES DB/A)
SWIFTEL COMMUNICATIONS FOR SUSPENSION) Docket No. TC07-007
OR MODIFICATION OF DIALING PARITY,)
NUMBER PORTABILITY AND RECIPROCAL)
COMPENSATION OBLIGATIONS)**

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 or about January 30, 2007, Brookings Municipal Utilities d/b/a Swiftel Communications, Inc. (Swiftel) filed a Petition with this Commission pursuant to 47 U.S.C. § 251(f)(2) and SDCL 49-31-80 seeking a suspension or modification of certain "number portability, dialing parity, and reciprocal compensation obligations." The "Petition for Suspension or Modification of Dialing Parity, Number Portability and Reciprocal Compensation Obligations" (Petition) has been filed in response to certain interconnection demands presented by Sprint Communications Company L.P. (Sprint).

3. Generally, with its Petition, Swiftel requests the following from this Commission: (1) a modification of the local number portability (LNP) requirement such that it is not required to implement wireline LNP until four (4) months after a competitive LEC is certified to provide local exchange services in Swiftel's service territory; (2) modification of the LNP requirement

such that Swiftel is not required to transport local calls to ported numbers located beyond its service territory; (3) modification of the dialing parity requirement such that Swiftel is not required to provide local dialing parity with respect to inter-exchange traffic and not required to transport traffic outside of its service territory; (4) modification of the toll dialing parity requirement such that Swiftel is not required to perform the equal access function at the end office or establish switched access transport facilities other than the common trunks to the South Dakota Network (SDN); (5) modification of requirements that would prevent Swiftel from collecting access charges on traffic destined for locations outside of its local calling area (on toll traffic); (6) modification of any requirement that it pay reciprocal compensation on traffic terminating to a wireless carrier within the MTA that is handed off to an inter-exchange carrier in accordance with Swiftel's wireline local calling area; and (7) the issuance of an immediate temporary suspension of the §§ 251(b)(2), (3) and (5) provisions to accommodate these requested modifications.

4. Sprint, with its interconnection request to Swiftel, seeks to impose extraordinary interconnection obligations on Swiftel that, if ordered by this Commission, would have substantial negative impacts on Swiftel and the end users of its local exchange services. The interconnection arrangements requested by Sprint, if ordered, would also give certain competitive advantages to Sprint effectively requiring Swiftel's end user customers to subsidize the competitive services that would be enabled through the requested interconnection arrangements. Generally, what Sprints seeks are interconnection arrangements that would (1) move access traffic off the SDN centralized equal access network and require Swiftel to provide end office equal access services; (2) shift substantial transport costs associated with interconnection to Swiftel by asking that this Commission require Swiftel to transport traffic to a point or points of interconnection outside its rural service area; and (3) further impose excessive costs on Swiftel and its local exchange subscribers by expanding local dialing parity obligations

in such manner that originated traffic currently classified as long distance traffic would, instead, be classified as local traffic. The various interconnection demands presented by Sprint would require Swiftel to incur substantial additional costs associated with the deployment of additional transport facilities, the stranding of current facilities, losses in access revenue, increases in reciprocal compensation charges, and shifts in jurisdictional expenses between local and toll access services.

5. The issues raised by the Swiftel Petition, relating to usage or non-usage of the current SDN network, originating carrier transport responsibilities, the scope of local dialing parity, and reciprocal compensation obligations are of critical importance to all rural telephone companies in South Dakota, and accordingly, SDTA supports the Swiftel Petition and strongly believes the modifications requested by Swiftel should be granted. Granting these modifications is necessary to preserve universal service in rural service areas and is consistent with the applicable standards of review set forth in 47 U.S.C. §§ 251(f)(2)(A) and 251(f)(2)(B). In addition, it should be noted that Sprint is seeking through its interconnection demands to press this Commission into action on certain call rating and routing issues that are already pending before the FCC in various proceedings. See Federal Communications Commission Seeks Comment on Initial Regulatory Flexibility Analysis in Telephone Number Portability Proceeding, CC Docket No. 95-1 16, Public Notice, 20 FCC Rcd 8616 (2005); and In the Matter of Sprint Petition for Declaratory Ruling, Obligation of Incumbent LECs to Load Numbering Resources Lawfully Acquired and to Honor Rating and Routing Points Designated by Interconnecting Carriers, CC Docket No. 01-92 (filed July 18, 2002).

6. SDTA seeks intervention herein based on the pecuniary interests of other SDTA member LECs that are likely to be "bound and affected either favorably or adversely" by the outcome of this proceeding. (See ARSD § 20:10:01:15.05).

7. 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 16th day of February, 2007.

Respectfully submitted:

SDTA

A handwritten signature in black ink, appearing to read "Richard D. Coit", written over the printed name below.

Richard D. Coit

Executive Director and General Counsel

CERTIFICATE OF SERVICE

I hereby certify that an original of the Petition to Intervention, dated February 16th, 2007, filed in PUC Docket TC07-007 was served upon the PUC electronically on that same date, directed to the attention of:

Ms. 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:

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

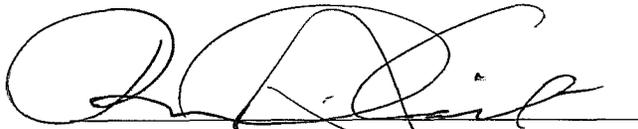
Ben Dickens
Blooston, Mordkofsky, Dickens
Duffy & Prendergast
2120 L. Street NW
Washington, DC 20037

Mary Sisak
Blooston, Mordkofsky, Dickens,
Duffy & Prendergast
2120 L. Street NW
Washington, DC 20037

Talbot J. Wiczorek
Gunderson Palmer Goodsell & Nelson
PO Box 8045
Rapid City, SD 57709

Richard J. Helsper
100 22nd Avenue, Suite 200
Brookings, SD 57006

Dated this 16th day of February, 2007.



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