

**BEFORE THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

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IN RE:	)	
	)	
MCI Communications Services, Inc. d/b/a	)	
Verizon Business Services,	)	
	)	Docket No. TC08-065
Complainant	)	
	)	
v.	)	Answer to Qwest Communications
	)	Corporation Petition for Leave to
Capital Telephone Company, Inc.,	)	Intervene
	)	
Respondent	)	

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Capital Telephone Company, Inc. (“Capital”), by its undersigned counsel, and pursuant to ARSD 20:10:01:15.04, hereby opposes Qwest Communications Corporation’s (“Qwest’s”) Petition for Leave to Intervene. Capital states as follows:

1. Under SDCL 1-26-17.1, a party may be granted intervention if its “pecuniary interests would be directly and immediately affected by an agency’s order...” Further, ARSD 20:10:01:15.05 states that a petitioner needs to show that it is deemed by statute to be interested in the proceeding, to be an interested party or “that by the outcome of the proceeding the petitioned will be *bound and affected* either favorably or adversely with respect to an interest peculiar to the petitioner as *distinguished from an interest common to the public or to the taxpayers in general*” (emphasis added).

2. This Complaint filed by MCI Communications Services, Inc. d/b/a Verizon Business Services (“Verizon”) involves a specific and discrete billing dispute between Verizon and Capital.

3. Qwest has not provided any showing that its interest in the Verizon Complaint is “distinguished from an interest common to the public,” but merely states that its position is “consistent with that of Verizon, as set forth in Verizon’s Complaint filed in this matter.”<sup>1</sup>

4. Moreover, as described in Capital’s Response to the Verizon Complaint, Verizon and Capital are negotiating a settlement, under the supervision of Federal Communications Commission (“FCC”) Staff. Qwest is not a party to those negotiations.

5. Because Qwest has failed to providing a showing justifying its intervention in the Verizon Complaint, as required by SDCL 1-26-17.1 and ARSD 20:10:01:15.05, its Petition for Leave to Intervene should be denied.

THEREFORE, Capital Telephone Company, Inc. respectfully requests the Commission deny Qwest’s Petition for Leave to Intervene in the present case.

CAPITAL TELEPHONE COMPANY, INC.

*RAPARSONS*

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<sup>1</sup> See Qwest Communications Corporation’s Petition for Leave to Intervene, Paragraph 3, June 12, 2008.

## Certificate of Service

Ronald A. Parsons, Jr. of Johnson, Heidepriem, Janklow, Abdallah & Johnson, L.L.P. hereby certifies that on the 18<sup>th</sup> day of June, 2008, he served electronically a true and correct copy of the foregoing Response in the above-captioned action to the following at its last known e-mail address, to-wit:

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