

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

IN THE MATTER OF THE APPLICATION)	TC08-105
OF MIDCONTINENT COMMUNICATIONS)	
TO PROVIDE LOCAL EXCHANGE SERVICE)	MIDCONTINENT'S REPLY
IN A RURAL SERVICE AREA)	AND OPPOSITION TO
)	THE SDTA PETITION
)	TO INTERVENE

COMES NOW Midcontinent Communications and responds to the Petition to Intervene filed in this matter by the South Dakota Telecommunications Association ("SDTA"), as follows:

1. SDTA states that it represents the interests of numerous cooperative, independent and municipal telephone companies operating throughout the state of South Dakota. It is apparently in this representative capacity that SDTA seeks to intervene in this proceeding.

2. In its petition, SDTA sets forth several potential issues it identifies as being material to the Commission's decision in this docket. As the Commission knows, Midcontinent has successfully petitioned and received permission to provide local exchange services in other rural service areas, namely Webster and Waubay. Thus, the recitation by SDTA of the possible inability of Midcontinent to meet the various challenges mentioned in the petition to intervene is neither controlling nor convincing. In any event, these are matters of proof at the hearing which Midcontinent is able and willing to provide.

3. Midcontinent objects to the intervention of SDTA in this docket for very fundamental grounds. SDTA simply does not meet the threshold requirements of the Commission's rules to intervene and pursue party status in this docket. ARSD 20:10:01:15.05 provides in relevant part:

A petition to intervene shall be granted by the commission if the petitioner shows that the petitioner

is specifically deemed by statute to be interested in the matter involved, that the petitioner is specifically declared by statute to be an interested party to the proceeding, or that by the outcome of the proceeding the petitioner 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.


SDTA is a trade association and seeks to intervene in its representative capacity. It is not deemed by statute to be interested in the matter involved; it is not specifically declared by statute to be an interested party to the proceeding and it will not be bound or affected either favorably or adversely with respect to an interest peculiar to the petitioner. Petitioner only acts through the interests of its members. The incumbent carrier in this matter, Alliance, is one of its members. It is Alliance that will be either favorably or adversely affected with respect to an interest peculiar to it. It is not SDTA, nor can it be SDTA as it seeks to intervene in a representative capacity.

4. As stated above, Alliance Communications Cooperative, Inc., is the real party in interest to oppose Midcontinent's application, Alliance being the incumbent carrier. Alliance is represented by competent counsel and no reason exists for the SDTA or any other non-incumbent carrier to take a second bite of the apple and unduly lengthen the process in this proceeding. As a trade association, SDTA is fully able to provide services to Alliance and assist its member through normal channels. SDTA has no need to be a party in this proceeding.

WHEREFORE Midcontinent prays that the Commission deny the application to intervene.

Dated this 22nd day of September, 2008.

MAY, ADAM, GERDES & THOMPSON LLP

BY: 

DAVID A. GERDES
Attorneys for Midcontinent
503 South Pierre Street
P.O. Box 160
Pierre, South Dakota 57501-0160
Telephone: (605)224-8803
Telefax: (605)224-6289
dag@magt.com

CERTIFICATE OF SERVICE

David A. Gerdes of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 22nd day of September, 2008, he mailed by United States mail, first class postage thereon prepaid, a true and correct copy of the foregoing in the above-captioned action to the following at his last known address, to-wit:

Alliance Communications Cooperative, Inc.
Attention: Don Snyders, General Manager
P.O. Box 349
Garretson, South Dakota 57030

and by e-mail to:

PATRICIA VAN GERPEN
EXECUTIVE DIRECTOR
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION
patty.vangerpen@state.sd.us

KAREN E CREMER
STAFF ATTORNEY
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION
karen.cremer@state.sd.us

TERRI LABRIE BAKER
STAFF ANALYST
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION
terri.labriebaker@state.sd.us

RYAN J TAYLOR
ATTORNEY AT LAW
ryant@cutlerlawfirm.com

MEREDITH A MOORE
ATTORNEY AT LAW
meredithm@cutlerlawfirm.com

RICHARD D COIT
EXECUTIVE DIRECTOR AND GENERAL COUNSEL
SDTA
richcoit@sdtaonline.com


David A. Gerdes