

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

In the Matter of the Application of Qwest	)	
to Modify the Jurisdictional Report	)	
Requirements in Section 2, by Establishing	)	Docket No. TC08-127
A Percent Interstate Usage (PIU) Floor	)	
For Unidentified Feature Group D (FGD)	)	
Termination Traffic	)	

**LOCAL EXCHANGE CARRIERS ASSOCIATION**  
**PETITION TO INTERVENE**

Local Exchange Carriers Association (LECA), by and through its attorney of record, Darla Pollman Rogers, of the law firm of Riter, Rogers, Wattier & Northrup, LLP, 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 thereof, LECA states as follows:

1. LECA is a voluntary pooling association comprised of 28 South Dakota local exchange carriers (LECs). LECA member companies report to LECA, on a monthly basis, all intrastate access minutes of use (MOUs). LECA applies the LECA intrastate access rate to the total reported MOUs and compares the total monthly access revenues with each member company's revenue requirement, as filed by member companies with the association. LECA "pools" the revenue and either distributes or collects revenue from each member company to assure that each member company receives all or an equal percentage less than 100% of the revenue requirement of each company. LECA files a tariff, and all member companies concur and follow the LECA tariff.

2. On or about October 31, 2008, Qwest Corporation (Qwest) filed revisions to its “Access Service Tariff” on file with the Commission proposing to modify certain jurisdictional reporting provisions set forth in the tariff and to establish a “Percent Interstate Usage” (PIU) floor for unidentified “Feature Group D” (FGD) terminating traffic. Specifically, Qwest proposes the following with respect to terminating FGD traffic that does not contain sufficient call detail to identify its jurisdiction (unidentified traffic):

- The first 5% of unidentified terminating traffic will continue to be jurisdictionally assigned based on the carrier’s PIU report or, if the carrier has not filed a PIU report, a PIU of 50 (50% interstate – 50% intrastate) will be assigned per the current terms in Section 2.3.10.B.2.c (of the Tariff); and

- Unidentified traffic in excess of the 5% floor will be designated intrastate traffic and charged at Qwest’s current South Dakota rates.

3. Each of the LECA member companies serve as local exchange carriers in the State, and each member company provides switched access services to other carriers operating in the State, including terminating switched access services. Like Qwest, each LECA member provides access services pursuant to an access services tariff. The LECA tariff, participated in by LECA members, is subject to Commission review and approval under South Dakota statutes and the Commission’s administrative rules.

4. All of the LECA member companies have and continue to experience problems in sufficiently identifying terminated telecommunications traffic for access billing purposes. As a result, LECA as an association has expended time and resources to assist its members in clarifying the accuracy of the PIUs member companies receive from

the IXCs. Consequently, LECA and its member companies are very interested in the tariff proposals filed by Qwest in this docket.

5. LECA supports the proposed Qwest Tariff revisions and believes that, if approved, the revisions could result in a process usable by other LECs to appropriately classify certain unidentified traffic and appropriately bill telecommunications traffic terminated through established interexchange trunk facilities. Further, the revisions, if approved, would give interexchange carriers and third-party transiting carriers more incentive to cooperate with LECs and provide call detail records, traffic studies or reports that are sufficient to allow an appropriate jurisdictional classification of terminated telecommunications traffic.

6. LECA has an interest in the outcome of this docket. If the Commission allows Qwest to amend its tariff in the manner proposed, LECA would seek to amend its tariff in a similar manner, thereby further assisting its member companies in receiving fair compensation for terminating traffic.

7. Based on all of the foregoing, LECA alleges that it is an interested party in this matter and would seek intervening party status.

Dated this 21<sup>st</sup> day of November, 2008.

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### Certificate of Service

The undersigned hereby certifies that a true and correct copy of the foregoing

Petition to Intervene was sent electronically on this 21st day of November, 2008, upon:

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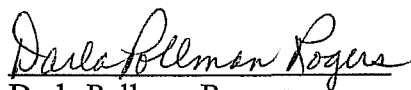
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