



South Dakota Telecommunications Association

November 26, 2008

South Dakota Telecommunications Association
PO Box 57 ■ 320 East Capitol Avenue ■ Pierre, SD 57501
605/224/7629 ■ Fax 605/224/1637 ■ www.sdtaonline.com

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

RE: Docket TC08-130 (*In the Matter of the Application of Mitel NetSolutions, Inc. for a Certificate of Authority to Provide Local Exchange Services in South Dakota*)

Dear Ms. Van Gerpen:

In regards to the above docket, the South Dakota Telecommunications Association (SDTA) believes some clarification is necessary as to where precisely Mitel NetSolutions, Inc. (Mitel) is seeking certification for local exchange services.

On page 7 of the filed application it is indicated that "Mitel seeks authority to resell local exchange services throughout the State of South Dakota in the areas served by LECs in South Dakota that are not eligible for a small or rural carrier exemption pursuant to Section 251(f)(1) of the Federal Act. Mitel does not seek to provide services to customers in those small or rural territories at this time."

Under the provisions of the Federal Act, there are certain situations where the "rural carrier exemption" may not be raised in response to a request for interconnection (for example, where the interconnection request is presented by a "cable operator" and the rural telephone company is also providing video programming in the affected service area). See 47 U.S.C. §. 251(f)(1)(C). This being the case, the above statement from Mitel's application does not indicate with sufficient clarity the actual areas in South Dakota where Mitel intends to provide its competitive local exchange services.

SDTA would request that the Commission Staff seek clarification from Mitel as to the geographic areas covered by its application. We can speculate that Mitel intends to limit its application to only Qwest exchanges in South Dakota, but some confirmation along these lines is necessary.

If it becomes apparent, based on further information from Mitel, that any rural telephone company service areas are covered by the application, SDTA will in all likelihood seek intervention in the proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Coit", written over a dashed line.

Richard D. Coit, General Counsel
SDTA

CC: Lance J.M. Steinhart
Kara Semmler