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May 21, 2010

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

Re: Docket TC10-026
In the Matter of the Complaint Filed by Sprint Communications
Company, LP Against Native American Telecom, LLC Regarding
Telecommunications Services

Dear Ms. Van Gerpen:

Enclosed by electronic filing is original Midstate Communications' Petition to Intervene with attached Certificate of Service. As indicated on the Certificate of Service, service has been made on the interested parties to this docket.

Thank you for your assistance.

Very truly yours,

RITER, ROGERS, WATTIER & NORTHRUP,
LLP

BY: *Darla Pollman Rogers*

Darla Pollman Rogers

DPR-wb

Enclosure

Cc: Interested Parties

Robert C. Riter, Jr.
Margo D. Northrup

Jerry L. Wattier
Lindsey Riter-Rapp

Darla Pollman Rogers
Robert D. Hofer, Of Counsel

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

IN THE MATTER OF THE COMPLAINT)
FILED BY SPRINT COMMUNICATIONS)
COMPANY, LP AGAINST NATIVE)
AMERICAN TELECOM, LLC) **Docket No. TC10-026**
REGARDING TELECOMMUNICATIONS)
SERVICES)

Midstate Communications' Petition to Intervene

Midstate Communications ("Midstate") 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, Midstate states as follows:

1. Midstate is a local exchange carrier ("LEC") headquartered in Kimball, South Dakota, that holds a certificate of authority from this Commission to provide local exchange services. In addition to other rural areas, Midstate operates as a rural LEC on the Crow Creek Indian Reservation.

2. On May 4, 2010, the Commission received a complaint from Sprint Communications Company, LP (Sprint) against Native American Telecom, LLC ("NAT"). That Complaint disputes certain switched access charges being assessed by NAT to Sprint and in the context of disputing such charges raises certain tribal and State jurisdictional issues related to the regulation of both interstate and intrastate interexchange services provided within South Dakota.

3. Previously, in Docket TC08-110 (In the Matter of the Application of Native American Telecom, LLC for a Certificate of Authority to Provide Local Exchange Services on the Crow Creek Indian Reservation), NAT filed an application with this Commission seeking certification to provide competitive local exchange services within the Crow Creek Reservation area. Midstate was granted intervening party status in that docket, pursuant to ARSD § 20:10:32:04, as Midstate is already certified to provide local exchange services on portions of the Crow Creek

Indian Reservation. Ultimately the Commission allowed NAT to voluntarily withdraw its application for certification without prejudice and the docket was closed without further action. NAT filed a Motion to Dismiss with the Commission on December 1, 2008. In that Motion, NAT requested dismissal of its application for certification based on an Order of the Crow Creek Utility Authority authorizing NAT to provide local exchange and other telecommunications services and, further, based on claims that NAT's local exchange and other telecommunications services would be provided within reservation boundaries and would be limited to the provisioning of service to Crow Creek tribal members. On February 5, 2009, this Commission issued an Order finding that "Native American's motion to voluntarily dismiss its application for a certificate of authority, without prejudice, is reasonable and not contrary to the public interest." The docket was officially closed.

4. The Complaint filed in this matter by Sprint raises questions as to whether NAT has in fact appropriately limited its telecommunications service offerings to areas within the Crow Creek Indian Reservation and whether it remains appropriate for NAT to claim that as a telecommunications service provider operating in the State of South Dakota, it should continue to be regulated under the exclusive jurisdiction of the Crow Creek Utility Authority. Various jurisdictional and PUC authority issues are raised in the Complaint for resolution by this Commission and all of these issues are obviously of interest to and stand to affect Midstate, who is the incumbent LEC on the Crow Creek Reservation.

5. Midstate seeks intervention in this proceeding based on its interests as an operating rural LECs on the Crow Creek Indian Reservation. Midstate may be "bound and affected favorably or adversely" by decisions made in this proceeding. (See ARSD § 20:10:01:15.05).

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

Dated this 21st day of May, 2010.

By: *Darla Pollman Rogers*

Darla Pollman Rogers
RITER ROGERS WATTIER & NORTHRUP, LLP
PO Box 280
Pierre, SD 57501

Attorney for Midstate Communications

CERTIFICATE OF SERVICE

I, Darla Pollman Rogers, certify that the original Midstate's Petition to Intervene, dated May 21, 2010, filed in PUC Docket TC 10-026, was served upon the PUC electronically, 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 also sent by e-mail and/or US Postal Service First Class mail to each of the following individuals:

Tom Reiman, Registered Agent
Native American Telecom, LLC
6710 E. Split Rock Circle
Sioux Falls, SD 57110

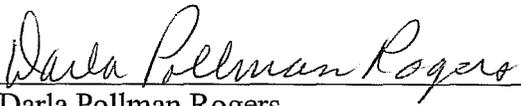
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