

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

IN THE MATTER OF THE COMPLAINT)	
AND REQUEST FOR DECLARATORY)	
RULING FILED BY MIDCONTINENT)	DOCKET TC12-016
COMMUNICATIONS AGAINST PAETEC)	
COMMUNICATIONS, INC. REGARDING)	
THE DELIVERY OF TELECOMMUNICA-)	
TIONS TRAFFIC AND PAYMENT FOR)	
SUCH TRAFFIC)	

**PETITION TO INTERVENE ON BEHALF OF SOUTH DAKOTA
TELECOMMUNICATIONS ASSOCIATION**

The South Dakota Telecommunications Association (“SDTA”) hereby petitions the South Dakota Public Utilities Commission (“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, SDTA states as follows:

1. On January 12, 2012, the Commission received a complaint from Midcontinent Communications (“Midco”) against PaeTec Communications, Inc. (“PaeTec”). The “Complaint” alleges that PaeTec, a certified interexchange carrier (IXC) in South Dakota, is engaged in certain questionable and possibly illegal practices with respect to telecommunications traffic that is sent for termination in South Dakota. Specifically, it is alleged that PaeTec is: (1) “engaging in activity whereby it sends telecommunications traffic to Midcontinent for terminating and is altering and/or disguising the data in the call signaling stream to mask the true origination point or jurisdiction of the traffic, thereby making the traffic appear as if it is a local telecommunications call not subject to terminating access charges”; and (2) “is engaging in activity that results in long distance calls destined for Midcontinent end user customers being delayed, dropped, blocked, and/or otherwise prevented from terminating to the Midcontinent customer.”

2. These alleged activities of PaeTec are alleged to constitute violations of various South Dakota statutes, including the provisions of SDCL §§ 49-31-111, 49-31-112, 49-31-10 and 49-31-11. As a cure to these violations, Midco requests various types of relief from this Commission including: requests for declaratory rulings; a cease and desist order; an order requiring PaeTec to provide certain call detail records; an order for payment of unpaid access charges; and an order imposing fines on PaeTec for all determined statutory violations.

3. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota. All of the SDTA member companies operate as local exchange carriers providing not only retail residential and business end user services, but also carrier-to-carrier type services including switched access services and local transport and termination services.

4. As providers of switched access services and local transport and termination services, the SDTA member companies receive traffic for termination from many different carriers/service providers, including telecommunications traffic that is either originated by PaeTec or carried by PaeTec as a transiting carrier. To the extent that any of the alleged activities of PaeTec also involve telecommunications calls or traffic destined for SDTA member company exchanges, SDTA member companies would also obviously be affected, in the same manner as described within the Midco Complaint.

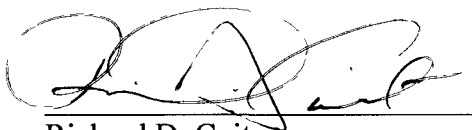
5. As noted, the Complaint seeks various forms of relief including, pursuant to ARSD § 20:10:01:34, declaratory rulings related to several state statutes subject to this Commission's supervision and enforcement powers. Specifically, Midco seeks legal clarification from this Commission concerning provisions found in SDCL §§ 49-31-111, 49-31-112, 49-31-10 and 49-31-11. All of the SDTA member companies are subject to and affected by these statutes and,

consequently, any applied interpretation of such statutes will touch upon and affect each company's pecuniary interest.

6. SDTA seeks intervention in this proceeding based on the interest of all of its member companies operating throughout this State. All of the SDTA members are likely to 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, SDTA is an interested party in this matter and seeks intervening party status.

Respectfully submitted this 1st day of February, 2012.

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

Richard D. Coit
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CERTIFICATE OF SERVICE

I hereby certify that an original of the foregoing Petition to Intervene submitted in Docket TC12-016, *In the Matter of the Complaint and Request for Declaratory Ruling Filed by Midcontinent Communications against PaeTec Communications, Inc. Regarding the Delivery of Telecommunications Traffic and Payment for Such Traffic*, dated February 1, 2012, was served upon the PUC electronically, directed to the attention of:

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

A copy was also sent by e-mail and/or USPS to each of the following individuals:


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Dated this 15th day of February, 2010



Richard D. Coit, Executive Director and General Counsel
South Dakota Telecommunications Association