

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

IN THE MATTER OF THE APPLICATION	)	
OF LOCAL EXCHANGE CARRIERS	)	
ASSOCIATION AND ITS MEMBERS	)	DOCKET NO. TC12-027
FOR WAIVER OF SWITCHED ACCESS	)	
RULES	)	

**PETITION FOR INTERVENTION BY AT&T COMMUNICATIONS OF  
THE MIDWEST, INC.**

Pursuant to ARSD Sec. 20:10:01:15.02, AT&T Communications of the Midwest, Inc., (“AT&T”) petitions for leave to intervene in the above captioned proceeding.

1. The Application for Waiver (“Application”) filed by Local Exchange Carriers Association (“LECA”) the South Dakota Telecommunications Association (“SDTA”) and Qwest Corporation d/b/a Century Link QC (“Century Link”) seeks a waiver or suspension of ARSD Sections 20:10:29:10, 20:2029:12 and 20:10:29:16 which require that the intrastate per minute access charge be equal for both originating and terminating traffic.
2. AT&T is an interexchange telecommunications carrier authorized to do business in South Dakota.
3. As an interexchange carrier, AT&T is required to pay intrastate access service fees to members of the SDTA, LECA and to Century Link. The amount paid by AT&T for switched access service is a significant cost component in its provision of interexchange services.
4. AT&T does not oppose the grant of a waiver/suspension as requested to the extent it is limited to not forcing a reduction in the originating intrastate access rates on July 1, 2012. As the Application notes, the waiver request arises from the Report and Order and Further Notice of Proposed Rulemaking by the Federal Communications Commission (“FCC”), released on November 18, 2011, which adopted a variety of intercarrier

compensation reform matters.<sup>1</sup> Among them, it mandated a series of reductions in the intrastate terminating access rate but left the subject of the Application, originating intrastate access charges, to be addressed in a future proceeding.<sup>2</sup> However, the FCC made clear “that originating charges also should ultimately be subject to the bill-and-keep framework.”<sup>3</sup>

5. While the FCC order did not mandate a reduction in intrastate originating access rates effective July 1, 2012, its order had an unintended effect as the South Dakota regulations require the per minute access charge be equal for both originating and terminating traffic. It is unclear from the Parties’ pleading whether this proceeding will involve more than a waiver/suspension of the application of the rules for the July 1, 2012 tariff filing date or an indefinite waiver of the rules pending further FCC action. AT&T’s position is that the scope of this proceeding must remain narrow and must not serve as a precedent for addressing any other situation that may arise regarding originating intrastate access rates. AT&T has a direct interest in the outcome of this proceeding which may directly or indirectly affect the cost of telecommunications services that it provides to its long distance customers in South Dakota. Consequently, pursuant to ARSD 20:10:01:15:05, it qualifies for intervention as its interest is distinguishable from an interest common to the public or taxpayers in general.

WHEREFORE, AT&T requests that it be granted intervention status in this proceeding.

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<sup>1</sup> *Connect American Fund*, WC Docket No. 10-90, *A National Broadband Plan for our Future*, GN Docket No. 09-51, *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 05-337, *Developing an Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Lifeline and Link-up*, WC Docket No. 03-109, *Universal Service – Mobility Fund*, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (released Nov. 18, 2011) (“Order”).

<sup>2</sup> *Id.* at para. 1298.

<sup>3</sup> *Id.* at para. 817.

Dated this 23<sup>rd</sup> day of March, 2012

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CERTIFICATE OF SERVICE

On this 23<sup>rd</sup> day of March, 2012, a true and correct copy of the foregoing was mailed electronically to:

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