

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

LECA's TRANSITIONAL RATE FILING

Docket No. TC 12-040

PETITION TO INTERVENE

Pursuant to SDCL 49-31-12.4(1) and 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 concerning the tariff filed by Local Exchange Carriers Association ("LECA") pursuant to the Federal Communications Commission's ("FCC") November 18, 2011 Intercarrier Compensation Reform Order, FCC 11-161. As grounds for the intervention, AT&T states as follows:

1. AT&T is an interexchange telecommunications carrier authorized to do business in South Dakota.
2. As an interexchange carrier, it is required to pay intrastate switched access fees to companies that comprise LECA. The amount paid by AT&T for switched access services is a significant cost component in its provisions of interexchange services.
3. LECA has requested that the data used in its calculations of the reduced intrastate access fees be treated confidentially. Without access to such information, AT&T has no ability to evaluate whether the LECA rates were calculated consistent with the requirements of the FCC's Order.
4. AT&T is willing to execute a Confidentiality Agreement with LECA to obtain access to that information.
5. AT&T has a direct interest in the outcome of this proceeding. 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.
6. AT&T also requests that the tariff be allowed to go into effect, as requested by LECA on July 1, 2012, subject to a true-up back to that date and that parties have the same statutory period of 120 days associated with tariff suspensions to complete the investigation of the rates in the LECA tariff. The true-up will ensure that any dispute over the rate will not result in a delay in the applicability of the correct reduced rate. Without a true-up, local exchange carriers could obtain a benefit from an incorrect rate reduction for the duration of a dispute. This result would be inconsistent with the FCC's order which mandated that the rate reductions are to take effect at the beginning of July.

WHEREFORE, AT&T requests that it be granted intervention status in this proceeding; that the Commission order that rates will go into effect subject to true-up back to the effective date; and that parties have 120 days from the effective date to complete the investigation of the rates in the LECA tariff.

Respectfully submitted this 30th day of May, 2012.

Olinger, Lovald, McCahren & Reimers, P.C.
/s/ filed electronically
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CERTIFICATE OF SERVICE

William M. Van Camp hereby certifies that on the 30th day of May 2012, he filed the foregoing Petition for Intervention by AT&T Communications of the Midwest, Inc., Docket No. TC 12-040, electronically with the Public Utilities Commission with electronic copies sent to the following persons:

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