

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

In the Matter of the Application of Clarity)	
Telecom, LLC dba Vast Broadband for an Amended)	Docket No. TC16-009
Certificate of Authority,)	

**OPPOSITION TO PETITION OF SDTA
TO INTERVENE**

COMES NOW, the Petitioner, Clarity Telecom, LLC dba Vast Broadband, (Clarity) by and through one of its attorneys, Brett Koenecke, and files its opposition to the Petition of the South Dakota Telecommunications Association to intervene as a party in the above-captioned matter.

1. Clarity Telecom has a Certificate of Authority for non rural telephone exchanges in South Dakota.
2. Clarity takes no position on the petition to intervene filed by Swiftel.
3. Clarity opposes the petition of South Dakota Telecommunications Association (SDTA) to intervene in this docket.
4. Statute reads as follows:

“1-26-17.1. A person who is not an original party to a contested case and whose pecuniary interests would be directly and immediately affected by an agency's order made upon the hearing may become a party to the hearing by intervention, if timely application therefor is made.”
4. Clarity opposes the SDTA petition to intervene in this docket, because SDTA has no pecuniary interest that would be directly and immediately affected by the outcome of this proceeding. Pursuant to SDCL §1-26-17.1, a pecuniary interest is required. A putative intervenor not meeting that standard cannot be allowed to intervene. The statute cannot be read to include more interests than the one named. Indeed to read it that way would read the statute out of existence.
5. SDTA does not offer telecommunications services in the territory at issue. SDTA will be neither harmed nor helped by the ultimate decision in this matter. SDTA may or may not like the result, but no pecuniary interest is directly or immediately at risk.

For these reasons and upon the authority found in state law for the proper recognition of interventions, Clarity Telecom respectfully asks the Commission to deny the Petition to Intervene.

Dated this 22 day of July, 2016.

MAY, ADAM, GERDES & THOMPSON, LLP

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CERTIFICATE OF SERVICE

Brett Koenecke of May, Adam, Gerdes & Thompson hereby certifies that on or before the 22 day of July, 2016, he electronically served through the PUC filing system or mailed by US First Class Mail, a copy of the Objection to Petition of SDTA to Intervene to the service list on PUC Docket TC16-009.



BRETT KOENECKE