

BEFORE THE PUBLIC UTILITIES
COMMISSION OF THE STATE OF
SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF) TC17-001
WIDE VOICE, LLC FOR A CERTIFICATE OF)
AUTHORITY TO PROVIDE LOCAL) PETITION TO INTERVENE
EXCHANGE AND INTEREXCHANGE)
LONG DISTANCE SERVICES IN SOUTH)
DAKOTA)

South Dakota Network, LLC's Petition to Intervene

South Dakota Network, LLC ("SDN") 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, SDN states as follows:

1. South Dakota Network, LLC (SDN) is a limited liability company with its principal place of business at 2900 West 10th Street, Sioux Falls, South Dakota 57104. SDN provides various telecommunications services, including, but not limited to centralized equal access services, lease of facilities to various interexchange carriers and transport services.

2. On January 12, 2017, Wide Voice, LLC ("Wide Voice") filed with this Commission an Application for a Certificate of Authority. Applicant has stated it proposes to offer competitive local exchange service, including exchange access service, within the State of South Dakota using its own facilities. It may also utilize resold services available from the underlying ILEC or other facilities-based carriers.

3. Wide Voice states in paragraph 8(a) of its Application the following:

Wide Voice will provide service to VoIP-enabled business customers and Telephony Applications providers on a retail,

wholesale, carrier level, including PSTN connectivity and *intermediate carrier functions*. (emphasis added).

4. In paragraph 8(c) of its Application, Wide Voice states that it will be “accepting or providing TDM or VoIP connectivity on *both the line and trunk side of the network*.” (emphasis added).

5. In Responses to Staff’s First Data Requests, Wide Voice indicates that included in the types of services it will provide is “competitive tandem access services.” (Response to 1-1), and that in addition to retail interexchange long distance services, “Wide Voice will offer competitive tandem access services that will be used in connection with long distance interexchange services provided by other carriers.” (Response to 1-4).

6. SDN provides both local exchange tandem access and switched access services in areas throughout South Dakota. It appears that Wide Voice will be providing telecommunications services that will compete directly with the tandem access and transmission services of SDN. In recognition of the centralized equal access configuration in South Dakota, SDN requests language in any Order the Commission may grant recognizing Wide Voice’s obligation to deliver all interexchange traffic originating from and terminating to any customers of SDN’s member company ILECs and affiliated CLECs via the SDN tandem switch in Sioux Falls, South Dakota.

7. The statements made in Wide Voice’s Application, and expanded upon in the Responses to Staff’s Data Requests, clearly demonstrate that SDN will be impacted by any Commission action taken in this docket, and that SDN has a direct pecuniary interest herein.

8. Granting of this late-filed Petition is justified for the following reasons:

(1) The statements made in Wide Voice's Application did not clearly indicate the types of services Wide Voice intends to provide, but the Responses to Staff's Data Requests clarified and more clearly articulated that Wide Voice's services will be competitive to SDN's services.


(2) The Responses were filed on the intervention deadline, which did not afford SDN adequate opportunity to review the responses and file this petition within the time set forth as the initial deadline for intervention.

(3) No action has been taken in the docket to date, so no parties will be prejudiced by the Commission granting this Petition.

(4) It is in the best interests of all parties to allow this intervention.

WHEREFORE, based on the foregoing, SDN is an interested party in this matter and should be permitted to intervene and participate as a party.

Dated this 9th day of February, 2017.


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