

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

**IN THE MATTER OF THE APPLICATION OF )  
UNITI NATIONAL LLC FOR A CERTIFICATE OF )  
AUTHORITY TO PROVIDE LOCAL EXCHANGE ) Docket No. TC21-002  
AND INTEREXCHANGE TELECOMMUNICATIONS )  
SERVICES IN SOUTH DAKOTA )**

**SDTA Petition to Intervene**

The South Dakota Telecommunications Association ("SDTA") 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, SDTA states as follows:

1. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota.

2. On or about January 27, 2021 Uniti National LLC (hereinafter referenced as "Uniti" or "Applicant") filed an Application with the Commission, pursuant to the provisions of ARSD §§ 20:10:32:03 and 20:10:24:02, seeking authority to "provide facilities-based and resold local exchange and interexchange telecommunications services throughout the State of South Dakota."

3. More specifically, according to the Application, Uniti has acquired fiber optic assets in South Dakota. Using those assets, Applicant may provision services to business customers, other carriers or other third parties. Services may include, "private line services (i.e., high-capacity backhaul Ethernet), but may provide other arrangements such as dark fiber, fiber spectrum leases, or other high-capacity services." (Application Par. 8(b)). While it is claimed in the Application that Uniti "will not provide traditional switched local exchange, interexchange,

voice or switched access services,” the Applicant does open the possibility of expanding services to include voice services as “dictated by marketplace conditions.” (Application Par. 8(d) footnote).

4. All of the SDTA member companies operate as “rural telephone companies” for purposes of the Federal Telecommunications Act of 1996 and also the state laws enacted in 1998 addressing local exchange competition (SDCL § 39-31-69, et. seq.). Based on the geographic scope of Uniti’s Application, SDTA believes that all its member local exchange carriers (LECs) have an interest in and stand to be impacted by this proceeding.

5. SDTA seeks intervention herein based on the individual interests of each of its member ILECs and based on their common interests to ensure that the rural safeguard provisions contained in federal and state laws are carefully considered and incorporated into any Commission Order that may result from Uniti’s application.

6. SDTA is an interested party in this matter and seeks intervening party status.

Dated this 8 day of February 2021.

Respectfully submitted:



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