

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

In the Matter of the Application of Native American Telecom, LLC for a Certificate of Authority to Provide Local Exchange Service within the Study Area of Midstate Communications, Inc.

DOCKET NO. TC11-087

**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. 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 access fees to competitive local exchange carriers (CLECs), such as Native American Telecom, LLC ("NAT") which aspires to become a CLEC within MidState's study area as outlined in Application for Certificate of Authority.
3. Based upon NAT's Application for Certificate of Authority, NAT subsidizes the telecommunications services by providing them free of charge to Tribal Members. See, Application, p. 5. It is not clear from the Application what revenues NAT is using to subsidize these telecommunications services.
4. As an interexchange carrier who may pay access charges to NAT, AT&T has an interest in the source of subsidization for NAT's telecommunications services to its consumers.
5. 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. 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.

Date this 26<sup>th</sup> day of October, 2011.

electronically filed  
William M. Van Camp  
Olinger, Lovald, McCahren & Reimers, PC  
PO Box 66 – 117 E Capitol  
Pierre SD 57501  
(605)224-8851 – voice  
(605)224-8269 – fax  
[bvancamp@olingerlaw.net](mailto:bvancamp@olingerlaw.net)  
*Attorney for AT&T Communications,  
Of the Midwest, Inc.*

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was sent electronically to the following on the 26<sup>th</sup> day of October 2011:

Ms. Patricia Van Gerpen  
Executive Director  
South Dakota Public Utilities Commission  
500 E. Capitol Ave.  
Pierre, SD 57501  
[patty.vangerpen@state.sd.us](mailto:patty.vangerpen@state.sd.us)  
(605) 773-3201 - voice  
(866) 757-6031 - fax

Ms. Karen E. Cremer  
Staff Attorney  
South Dakota Public Utilities Commission  
500 E. Capitol Ave.  
Pierre, SD 57501  
[karen.cremer@state.sd.us](mailto:karen.cremer@state.sd.us)  
(605) 773-3201 – voice  
(866) 757-6031 - fax

Ms. Bobbi Bourk  
Staff Analyst  
South Dakota Public Utilities Commission  
500 E. Capitol Ave.  
Pierre, SD 57501  
[bobbi.bourk@state.sd.us](mailto:bobbi.bourk@state.sd.us)  
(605) 773-3201 - voice  
(866) 757-6031 - fax

Mr. Scott R. Swier - Attorney at Law  
Swier Law Firm, Prof. LLC  
202 N. Main St.  
PO Box 256  
Avon, SD 57315  
[scott@swierlaw.com](mailto:scott@swierlaw.com)  
(605) 286-3218 - voice  
(605) 286-3219 - fax

Meredith A. Moore  
Attorney for Midstate Communications, Inc.  
Cutler & Donahoe LLP  
100 N. Phillips Ave., 9<sup>th</sup> Floor  
Sioux Falls SD 57104-6725  
(605)335-4950 - voice  
(605)335-4961 - fax  
[meredithm@cutlerlawfirm.com](mailto:meredithm@cutlerlawfirm.com)

electronically filed  
William M. Van Camp