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Richard P. Tieszen
Thomas H. Harmon

Karla L. Engle

November 12, 2002

RECEIVED

NOV 13 2002

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

John Smith
General Counsel
Public Utilities Commission
State Capitol Building
Pierre, SD 57501

Re: **PUC Representation**
Docket No. TC 02-174

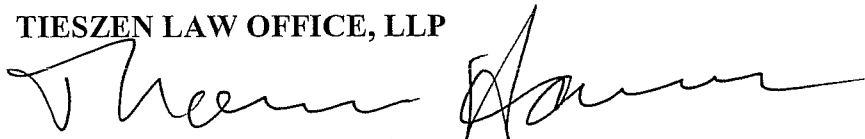
Dear General Counsel Smith:

Enclosed please find the original and 10 copies of a petition to intervene in the above-referenced docket. I am unaware at this time whether any other parties have been granted intervention and thus service has been made only upon Qwest. Service will be made upon any other interveners upon identification.

I thank you for your attention to this matter.

Sincerely,

TIESZEN LAW OFFICE, LLP



Thomas H. Harmon

THH:lv

Enclosure: Petition + copies

Cc w/o encl: Client

RECEIVED

NOV 13 2002

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

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

IN THE MATTER OF THE FILING BY) Docket No. TC 02-174
QWEST CORPORATION FOR) PETITION FOR INTERVENTION BY
APPROVAL OF ITS EXCHANGE AND) THE SOUTH DAKOTA ASSOCIATION
NETWORK SERVICES TARIFF) OF COUNTY COMMISSIONERS

COMES NOW the South Dakota Association of County Commissioners by and through its attorneys of record, Tieszen Law Office, LLP, Richard P. Tieszen, Thomas H. Harmon, and Karla L. Engle, and, pursuant to ARSD 20:10:01:15.02, requests leave of the Commission to be granted party status in the above-captioned proceeding .

NATURE OF PETITIONER

The South Dakota Association of County Commissioners, (hereinafter SDACC or the Association) is a long-standing, statewide, non-profit, tax exempt organization under IRS Code 501(C)(4) that was authorized by the South Dakota Legislature in 1939. See SDCL 7-7-28. The purpose of the Association is to (1) work for the improvement of County Government through the study of County issues and to increase efficiency of County Government through effective planning and (2) to assist County Governments in compliance with State and Federal laws and work in matters beneficial to the common interests of the counties. Pursuant to SDCL Chapter 34-35, providing a 911 emergency reporting system is deemed beneficial to the common interests of all counties. All South Dakota counties are members of the SDACC and as shown by the attached Exhibit 1, a color-coded map of all counties in South Dakota, all counties operate their own PSAP or contract for service with other counties, municipalities, and federal agencies.

PETITIONER'S INTEREST IN THE PROPOSED TARIFF

As of November 1, 2002, all counties in South Dakota either operate their own Public Safety Answering Points (PSAP) or through joint-powers agreements with adjoining counties municipalities or federal agencies participate in the operation of a PSAP.

The proposed tariffs for the wireless 911 call service bear directly upon the viability of the existing PSAP. Petitioner Qwest seeks to establish wireless 911 rates for both non-recurring charges and monthly rates. The Association on behalf of the counties, wishes to have input to the

Commission and have the ability to examine the documentation Petitioner Qwest submits in support of its requests both as to the basis for the documentation, the method and results of any analysis, and the reasonableness of the ultimate request. At the 88th Annual Convention of the South Dakota Association of County Commissioners held in September of 2002, the delegates in assembly adopted Resolution No. 10 designed to create a 911 coordinator position (a copy of which resolution is attached hereto as Exhibit 2 showing that the Association and its members are heavily involved in the 911 issues especially as they relate to wireless service.

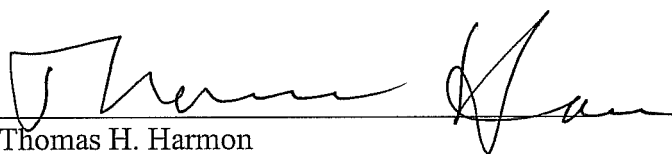
The Association will take the position that any such tariffs must be kept as low as possible for this emergency service and that the cost analysis submitted by Petitioner Qwest supports the notion that there are in reality increased costs associated with 911 wireless calls which are already being handled by the existing service.

The South Dakota Association of County Commissioners respectfully requests that it be allowed to intervene in this proceeding on behalf of its members.

Respectfully submitted on this 12th day of November, 2002.

TIESZEN LAW OFFICE, LLP

For the Firm

A handwritten signature in black ink, appearing to read 'Thomas H. Harmon', is written over a horizontal line. The signature is fluid and cursive.

Thomas H. Harmon
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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

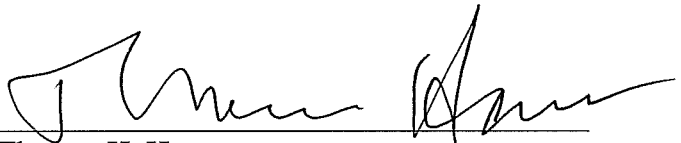
**IN THE MATTER OF THE FILING BY)
QWEST CORPORATION FOR)
APPROVAL OF ITS EXCHANGE AND)
NETWORK SERVICES TARIFF)**

Docket No. TC 02-174

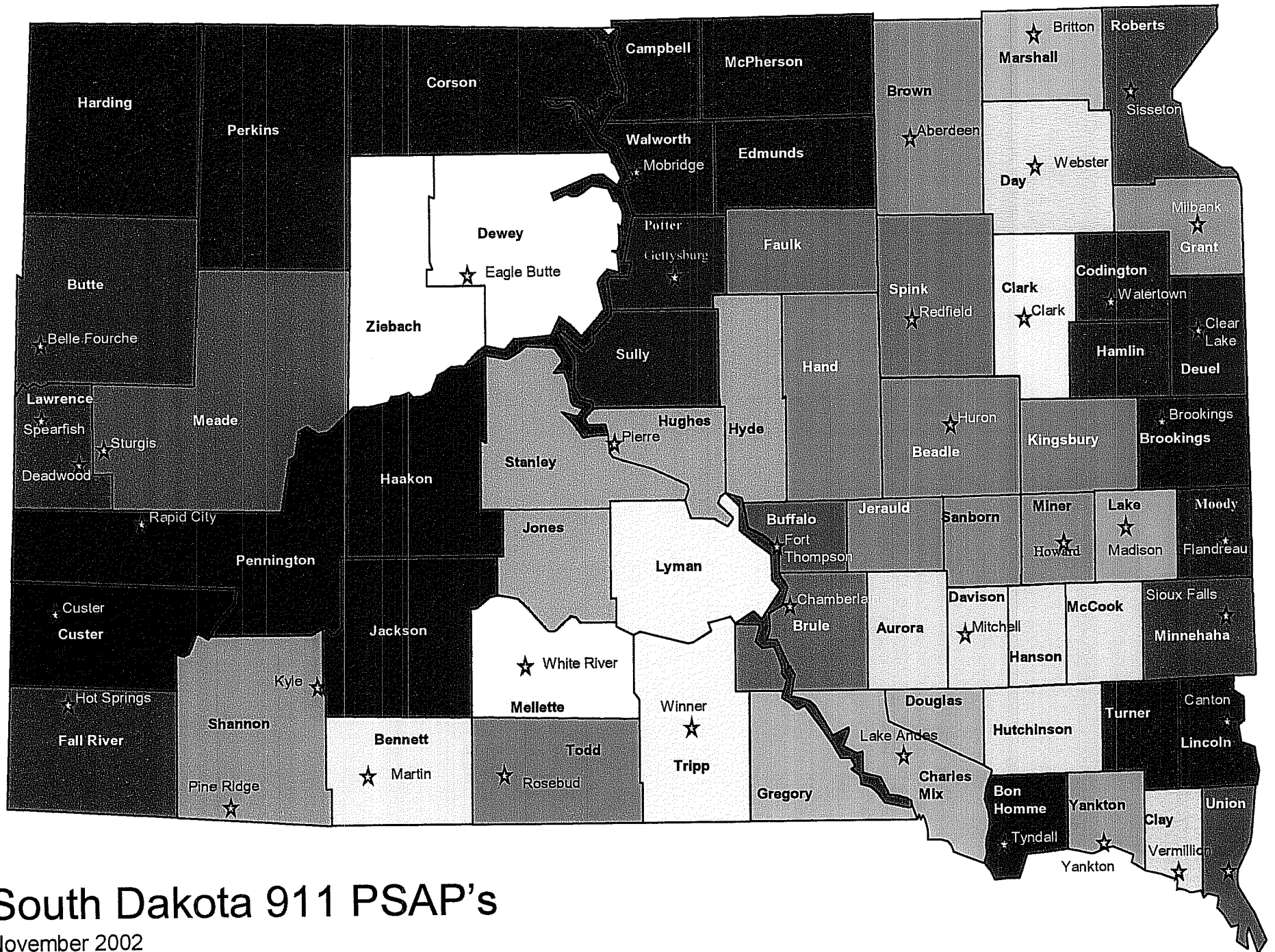
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Petition for Intervention by the South Dakota County Commissioners Association in the above-captioned matter was served by first class United States mail, postage prepaid, upon Jeff Carmon, Manager Policy and Law, Qwest Corporation, 125 South Dakota Avenue, Sioux Falls, South Dakota 57194, on this 13 day of November, 2002.

TIESZEN LAW OFFICE, LLP
For the Firm



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South Dakota 911 PSAP's

November 2002

Resolution #10
CREATE A 911 COORDINATOR POSITION

WHEREAS, the 1989 South Dakota Legislature adopted SDCL Chapter 34-45, which authorized emergency reporting telephone service (E-911) and placed the responsibility for providing the service with local governments; and

WHEREAS, SDCL 34-45-5 allows county government to impose a monthly surcharge for E-911 not to exceed \$.75 per line on each local exchange access line (amended in 1995 to include wireless phones) to pay for nonrecurring and recurring costs of 911 related service; and

WHEREAS, up until June 30, 1999, 1 cent per line per month was remitted to the South Dakota Coordination Fund (the 1993 Legislature repealed this provision effective June 30, 1999), administered by the Division of Emergency Management, for support of the South Dakota 911 program; and

WHEREAS, the Division of Emergency Management continued to provide limited 911 coordination from remaining funds in the South Dakota Coordination Fund until May 2002 when the incumbent staff member left the Division; and

WHEREAS, since that time SDACC has provided minimal coordination and technical assistance on 911 matters; and

WHEREAS, public safety answering point (PSAP) facilities now face near-term issues, including those listed below, which will require substantial coordination, technical assistance and funding:

- 1) Upgrade the state-wide Emergency Telephone System to digital "SS7" technology. The primary phone switching equipment serving the majority of South Dakotans is aged, analog (CAMA) technology. Modern, digital "SS7" technology is required to speed the delivery of 9-1-1 calls to the dispatch centers. SS7 technology is also required to provide Enhanced 9-1-1 (E911) service for cellular phones in South Dakota.
- 2) Provide E911 service for cellular 9-1-1 calls throughout South Dakota. The explosion of the use of cellular phones in our society has resulted in an FCC report and order to implement enhanced 9-1-1 service for cellular phone users by 2005.
- 3) Identify chargeable features and negotiate contracts for recurring and non-recurring changes related to transport and feature function ability with each wireless service provider for each PSAP in the state.
- 4) Identify potential funding sources for wireless E911 upgrades and operation.

WHEREAS, the South Dakota Chapters of NENA (National Emergency Number Association) and APCO (Association of Public Safety Communications Officials) and individual PSAP managers have proposed that SDACC create a position of "911 Project Manager" and hire a person to specifically work on the tasks outlined above (estimated to be 1-2 years) at which time the position would be eliminated unless SDACC re-evaluation showed a need to continue; and

WHEREAS, timing is becoming critical as in August 2002, Qwest provided proposed contracts/agreements to 5 of the counties that have requested Phase 1 service from one of the cellular telephone companies and it is believed that coordinated negotiations would lead to agreements beneficial to all counties – big and small; and

WHEREAS, centralized negotiations for Enhanced Wireless 911 Service would also accomplish the following:

- 1) Relieve 911 Coordinators of the work involved in trying to negotiate separate contracts for their PSAP with each cellular telephone service provider operating in their jurisdiction.
- 2) Ensure that each PSAP is not billed separately for duplicate equipment lines and services that utilize the same infrastructure serving multiple PSAP's.
- 3) Develop a plan on a statewide basis so that 911 calls be handled effectively, accurately, and are routed to the correct PSAP.
- 4) Preserve the right of each local 911 authority to control the costs of operating its PSAP.

WHEREAS, funding and technical assistance may be available to states or central groups that have a coordinated plan for enhanced 911 service, including wireless systems from the FCC, USDOT, NENA, Homeland Security, and a pending Rural Communications Act (proposed by Senator Daschle); and

WHEREAS, SDACC could effectively coordinate applications, administration and distribution of available Federal, State or private funds for upgrading and operating Enhanced Wireline and Wireless 911 Service.

NOW THEREFORE BE IT RESOLVED that the South Dakota Association of County Commissioners hereby approves the creation of a 911 Program Manager position within the SDACC to provide coordination and technical Assistance, as outlined above, to counties and PSAP's in providing required 911 Enhanced Service in a cost-effective efficient manner; and

BE IT FURTHER RESOLVED that the position be funded by all counties at an annual amount based on population ranges of 0-5,000: \$500; 5,000-10,000: \$1,000; 10,000-15,000: \$1,500; 15,000-25,000: \$2,000; 25,000-100,000: \$2,500; greater than 100,000: \$3,000, beginning with payment due with the 2003 SDACC Annual dues; and

BE IT FURTHER RESOLVED that this approval is hereby granted for a maximum period of 2 years ending December 31, 2004 unless extended at the 2004 Annual Convention; and

BE IT FURTHER RESOLVED that any funds remaining at the end of this program will be returned to the individual counties in the proportions that they paid as deductions in the following year's Annual Dues.

Adopted by the
South Dakota Association of County Commissioners
88th Annual Convention -- September 23-25, 2002