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December 3, 2003

08416-008
Ms. Pamela Bonrud
Executive Director
S.D. Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501

RECEIVED

DEC 8 4 2003

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

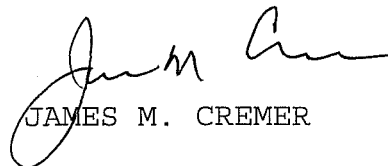
Re: Docket Number TC03-193

Dear Ms. Bonrud:

Enclosed is an original and ten copies of a PETITION TO INTERVENE for filing in TC03-193 on behalf of James Valley Cooperative Telephone.

By copy of this letter, I am also serving those parties named on the service list attached to the Petition.

Sincerely,



JAMES M. CREMER

JMC:mvs
\\jvt\rcc & western alliance\bonrud

Enclosures

pc Nancy Larsen
Richard Coit, SDTA
Service List

RECEIVED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

DEC 04 2003

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

In the Matter of the Petition of RCC Minnesota, Inc. and Wireless Alliance, L.L.C. for Designation as an Eligible Telecommunications Carrier

Docket No. TC03-193
PETITION TO INTERVENE

Pursuant to ARSD 20:10:01:15.02, James Valley Cooperative Telephone Company (“James Valley”) petitions to intervene in Docket Number TC03-193 for the following reasons:

1. James Valley is an independent facilities-based incumbent local exchange company offering local exchange service in approximately 14 exchanges in northeastern South Dakota. James Valley is also a “rural telephone company” as defined in 47 U.S.C. § 153(37) and SDCL 49-31-1(22).
2. RCC Minnesota, Inc. and Wireless Alliance, L.L.C. d/b/a UniceL (“Rural Cellular”) has applied to the South Dakota Public Utilities Commission (“Commission”) to be designated as an eligible telecommunications carrier (“ETC”) for purposes of qualifying to obtain federal universal service support in the areas of several rural telephone companies, including James Valley.
3. The criteria for designation of ETC status are found in 47 U.S.C. § 214(e), SDCL 49-31-78, and ARSD 20:10:32:42 through 49. Pursuant to these sections of state and federal law, the Commission has authority to grant or deny a petition for designation of a carrier as an ETC.
4. Rural Cellular has applied for ETC designation in James Valley’s service area. James Valley disputes Rural Cellular’s request on the following grounds:

A. Rural Cellular is unable to provide the services and functionalities required by the FCC in 47 CFR § 54.201.

B. Rural Cellular is unable to provide services throughout and coextensive with James Valley's service area, as required by 47 U.S.C. § 214(e)(1)(A) of the Act, and ARSD 20:10:32:42.


C. Granting Rural Cellular ETC status within James Valley's service area is not consistent with the public interest, convenience and necessity of customers in James Valley's service area, as required by 47 U.S.C. § 214(e)(2) and ARSD 20:10:32:42.

D. Granting Rural Cellular ETC designation in James Valley's service area is not in the public interest, as required by 47 U.S.C. § 214(e)(2), SDCL 49-31-78, and ARSD 20:10:32:42.

5. It is necessary for James Valley's Petition for Intervention to be granted in this case and to enable James Valley to have party status in this docket in order to allow James Valley to protect its interests and present evidence in opposition to Rural Cellular's Petition. James Valley is entitled to be granted intervention in this docket pursuant to ARSD 20:10:01:15.05 because the outcome of this proceeding will have a profoundly adverse effect on James Valley.

Wherefore, James Valley respectfully requests that its Petition to Intervene be granted.

Dated this 3rd day of December, 2003.


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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

DEC 04 2003

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UTILITIES COMMISSION

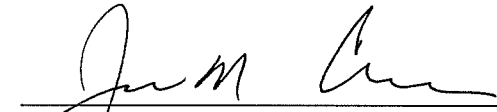
In the Matter of the Petition of RCC Min-
nesota, Inc. and Wireless Alliance, L.L.C.
for Designation as an Eligible Telecommu-
nications Carrier

Docket No. TC03-193
CERTIFICATE OF SERVICE

James M. Cremer, of Bantz, Gosch & Cremer, L.L.C., hereby certifies that on the 3rd day of December, 2003, he mailed by United States mail, first class postage thereon prepaid, a true and correct copy of the foregoing **Petition to Intervene** in the above-captioned action to the following at their last known addresses, to-wit:

David A. LaFuria
B. Lynn F. Ratnavale
Lukas, Nace, Gutierrez & Sachs, Chartered
1111 19th St. NW Ste. 1200
Washington, DC 20036

Dated this 3rd day of December, 2003.


James M. Cremer
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