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December 4, 2003

Pamela Bonrud, Executive Director
S. D. Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

Re: Docket Number TC03-193

Dear Ms. Bonrud:

Please find enclosed herein an original and ten copies of PETITION TO INTERVENE for filing in TC03-193 on behalf of PrairieWave Communications.

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

Sincerely yours,



Darla Pollman Rogers
Attorney at Law

DPR/ph

Enclosures

CC: Service List
Bill Heaston

RECEIVED
DEC 05 2003
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE PETITION
OF RCC MINNESOTA, INC., AND
WIRELESS ALLIANCE, L.L.C., FOR
DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER
UNDER 47 U.S.C. § 214(e)(2)

Docket No. TC03-193

PETITION TO INTERVENE

RECEIVED

DEC 05 2003

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Pursuant to ARSD 20:10:01:15.02 through 20:10:01:15.05, PrairieWave

Communications (sometimes known as PrairieWave Community Telephone, Inc., hereinafter referred to as "PrairieWave") petitions to intervene in Docket Number TC03-193 for the following reasons:

1. PrairieWave is an independent, facilities-based, incumbent local exchange company offering local exchange service in several exchanges in South Dakota. PrairieWave 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 (collectively "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 study areas of several rural telephone companies, including portions of the study area of PrairieWave. Exhibit D indicates that Rural Cellular seeks to be designated an ETC in the Parker exchange and in only parts of the Alsen and Lennox exchanges.

3. The criteria for designation of ETC status are found in 47 U.S.C. § 214(e), 47 C.F.R. § 54.101(a), SDCL 49-31-78, and ARSD 20:10:32:42 through 49. Pur-

suant 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 portions of PrairieWave's study area. PrairieWave 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 C.F.R. § 54.201.

B. 47 U.S.C. § 214(e)(1)(A) and ARSD 20:10:32:42 require that a common carrier seeking designation as an ETC must provide those services required by 47 C.F.R. 54.101 throughout the service area for which the designation is sought. Rural Cellular fails to satisfy these requirements and is unable to provide services throughout and coextensive with PrairieWave's entire study 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 parts of PrairieWave's service area is not consistent with the public interest, convenience and necessity of PrairieWave's customers as required by 47 U.S.C. § 214(e)(2) and ARSD 20:10:32:42.

D. Granting Rural Cellular ETC designation in portions of PrairieWave'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.

E. PrairieWave and its customers will experience an unwarranted and adverse economic impact, such as being subjected to unfair, uneconomic competition, if Rural Cellular is granted ETC status in portions of PrairieWave's service area.

5. PrairieWave asserts that this Commission's designation of Rural Cellular as an ETC would result in the increase of the total costs of providing universal service support to all of the consumers within PrairieWave's study area, and a potential re-

duction in funding to incumbent ETC's, thereby producing rate increases and decreases in services and infrastructure investment.

6. To accomplish ETC status in only parts of some of PrairieWave's exchanges, Rural Cellular requests that the Commission redefine PrairieWave's rural service area. As described in Section VI of the application, the Commission, in reviewing the request, will consider various criteria that impact PrairieWave and the public interest in rural South Dakota.

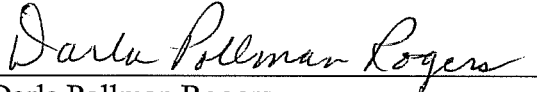
7. PrairieWave believes it has a direct and significant interest in this docket, and that any decision by the Commission will affect the ability of PrairieWave to provide modern telecommunications services in its service area.

8. PrairieWave desires to intervene in order to have party status in this docket, which enables PrairieWave to receive documents, comment, present testimony, cross-examine witnesses, and produce evidence in opposition to the application of Rural Cellular.

9. PrairieWave is entitled to be granted intervention in this docket pursuant to ARSD 20:10:01:15.05 because the outcome of this proceeding may have a profoundly adverse effect on PrairieWave.

WHEREFORE, PrairieWave respectfully requests that its Petition to Intervene be granted and that PrairieWave be authorized to participate in the above-entitled proceeding with full rights as a formal party.

DATED this fourth day of December, 2003.


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Pierre, South Dakota 57501
Telephone (605) 224-7889
Attorney for PrairieWave

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served a copy of the foregoing **PETITION TO INTERVENE** upon the persons herein next designated, on the date below shown, by depositing a copy thereof in the United States mail at Pierre, South Dakota, postage prepaid, in an envelope addressed to said addressee, to-wit:

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Michelle Farquhar, Counsel
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Dated this 4th day of December, 2003.



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