



South Dakota Telecommunications Association

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Rural roots, global connections

February 8, 2005

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FEB 08 2005

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Ms. Pamela Bonrud, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Ave.
State Capitol Building
Pierre, SD 57501

RE: Docket TC05-016, Petition of PrairieWave Telecommunications, Inc. for
Designation as an ETC

Dear Ms. Bonrud:

Attached for filing with the Commission in the above referenced docket are the original and ten (10) copies of a Petition to Intervene of the South Dakota Telecommunications Association.

You will also find attached to the Petition a certificate of service verifying service of this document, by mail, on counsel for PrairieWave and counsel for Fort Randall Telephone.

Thank you for your assistance in filing and distributing these documents.

Sincerely,

Richard D. Coit
Executive Director and General Counsel
SDTA

CC: William P. Heaston
Mike Bradley

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

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

**IN THE MATTER OF THE FILING BY
PRAIRIEWAVE TELECOMMUNICATIONS, INC.
FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER**

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**DOCKET TC05-016
PETITION TO INTERVENE**

SDTA Petition for Intervention

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. PrairieWave Telecommunications, Inc. (PrairieWave) has filed a Petition with this Commission pursuant to 47 U.S.C. § 214(e) and SDCL § 49-31-78 seeking designation as an eligible telecommunications carrier ("ECT") for the rural wire centers of Centerville and Viborg located in the State of South Dakota. The Petition filed by PrairieWave also asks this Commission to consider a redefinition of the rural service area of Fort Randall Telephone Company, for purposes of determining PrairieWave's universal service obligations and its eligibility for federal universal service funds.

2. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota, including the Fort Randall Telephone Company which is named in PrairieWave's Petition for Designation as an ETC (operating in the service area where PrairieWave is requesting ETC status).

3. The criteria applicable to additional ETC designations 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. In areas served by rural telephone companies, it is not permissible for the Commission to designate an additional ETC absent first making a finding that the additional designation is in the public interest.

4. In addition, based on the Petition filed by PrairieWave, it will be necessary for this Commission to undertake a review for purposes of determining the applicable service area. This review must be consistent with applicable Federal-State Joint Board and FCC procedures and also the procedures set forth in ARSD 20:10:32:45.


5. SDTA seeks intervention in this proceeding based on the direct interests of Fort Randall Telephone Company and also based on the likelihood that determinations made by the Commission in this matter may impact future similar proceedings involving other SDTA member companies. The PrairieWave Petition raises issues similar to those issues raised in Docket TC03-193 (Rural Cellular Corporation Petition for ETC Designation) which are still pending and have not yet been decided by the Commission. Decisions on these issues will require the Commission to address both policy and legal matters that have not to this point been addressed and, accordingly, the decisions made herein have the potential to serve as precedent in future similar proceedings. As such, the instant filing by PrairieWave will not only impact Fort Randall Telephone Company but is likely to affect other rural telephone companies operating in South Dakota.

6. Based on all of the foregoing, SDTA seeks intervening party status in this proceeding.

Dated February 8, 2005.

Respectfully submitted:

THE SOUTH DAKOTA
TELECOMMUNICATIONS ASSOCIATION

By: 
Richard D. Coit
Executive Director and General Counsel

CERTIFICATE OF SERVICE

I hereby certify that an original and ten (10) copies of the foregoing document were hand-delivered to the South Dakota PUC on February 8, 2005, directed to the attention of:

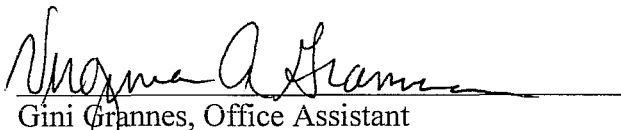
Pam Bonrud
Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

A copy was sent by U.S.P.S. First Class Mail to:

William P. Heaston
General Counsel
5100 South Broadband Lane
Sioux Falls, SD 57108

Michael J. Bradley, Attorney
Moss and Barnett
4800 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-4129

Dated this 8th day of February, 2005.


Gini Grannes, Office Assistant
South Dakota Telecommunications Association
PO Box 57 – 320 East Capitol Avenue
Pierre, SD 57501-0057