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September 23, 2005

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SEP 23 2005

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

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

Re: In the Matter of the Establishment of Alliance Communications Cooperative's
2005 Switched Access Revenue Requirements Docket TC05-083

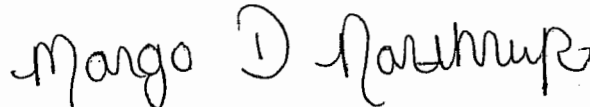
Dear Pam:

Enclosed herein please find original and ten copies of the Answer of Alliance to
AT&T's Petition to Intervene.

Sincerely yours,

RITER, ROGERS, WATTIER & BROWN, LLP

By:



Margo D. Northrup

MDN/rar

Enclosures

cc: Karen Cremer
John S. Lovald
Don Snyders

RECEIVED

SEP 23 2005

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE ESTABLISHMENT OF ALLIANCE COMMUNICATIONS COOPERATIVE'S 2005 SWITCHED ACCESS REVENUE REQUIREMENTS

DOCKET TC05-083

ANSWER OF ALLIANCE
TO AT&T'S
PETITIONS TO INTERVENE

COMES NOW Alliance Communications Cooperative ("Alliance"), by its undersigned attorney, and files this Answer to the Petition of AT&T Communications of the Midwest, Inc. ("AT&T") to Intervene in the above docket.

1. Alliance admits that AT&T is a certificated communications company, subject to the jurisdiction of the South Dakota Public Utilities Commission ("Commission").
2. On June 21, 2005, Alliance filed a cost study with the Commission, in accordance with the Commission's current cost study rules.
3. The intervention deadline in this docket was July 8, 2005, and AT&T failed to intervene prior to expiration of said deadline.
4. Pursuant to appropriate notice, the Commission held a hearing on this docket for the purpose of assessing an initial filing fee on August 2, 2005.
5. AT&T has taken no action in this docket until filing of the current Petition to Intervene, dated September 14, 2005.
6. ARSD 20:10:01:15.02 sets forth the test for allowance of late-filed intervention petitions:

A petition to intervene which is not timely filed with the Commission may not be granted by the Commission unless denial of the petition is shown to be detrimental to the public interest or to be likely to result in a miscarriage of justice. (Emphasis added.)

7. AT&T has failed to sustain its burden for this Commission to grant late-filed Petitions to Intervene in this docket.

8. Because AT&T has not been a party to this proceeding, it has no knowledge of the existence or status of any Staff data requests, or whether supplemental information will be requested from Alliance.

9. In Paragraph 3 of its Petition, AT&T makes reference to “the Authority as a whole” (emphasis added). Alliance has insufficient information to determine whom AT&T is referring to, but specifically denies that its switched access rates are overstated.

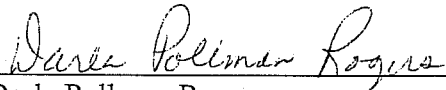
10. Alliance would be prejudiced if AT&T’s late-filed Petition in this docket is granted. To allow a new party to intervene in a docket after the intervention deadline has passed would cause further delays in the proceedings, and subject Alliance to the further expense of additional discovery requests from the new party. This is exactly the kind of prejudice that enforcement of an intervention deadline precludes.

11. The Commission’s denial of AT&T’s late-filed Petition in this docket will prevent Alliance from prejudice caused by further delays, and such prejudice should not be permitted.

12. The Commission’s denial of AT&T’s late-filed petition in this docket would not result in a miscarriage of justice or detriment to the public interest because AT&T is not left without recourse. There are other more appropriate methods for AT&T to raise the issues addressed in its Petition.

WHEREFORE, Alliance respectfully requests this Commission to deny AT&T's late-filed Petition to Intervene.

Respectfully submitted this twenty-third day of September, 2005.



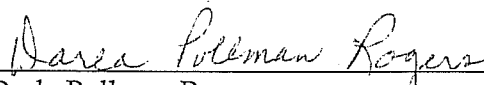
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the ANSWER OF ALLIANCE TO AT&T'S PETITION TO INTERVENE was served via the method(s) indicated below, on the twenty-third day of September, 2005, addressed to:

Karen Cremer, Staff Attorney	(X)	First Class Mail
South Dakota Public Utilities Commission	()	Hand Delivery
500 East Capitol Avenue	()	Facsimile
Pierre, South Dakota 57501	()	Overnight Delivery
	()	E-Mail
John S. Lovald	(X)	First Class Mail
William M. Van Camp	()	Hand Delivery
Olinger, Lovald, McCahren and Reimers, P.C	(X)	Facsimile
P. O. Box 66	()	Overnight Delivery
Pierre, South Dakota 57501	()	E-Mail

Dated this twenty-third day of September, 2005.



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