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August 30, 2005

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RECEIVED

AUG 30 2005

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

RE: **MCI; DOCKETS TC04-119 and TC05-096**
Our file: 4959

Dear Pam:

Enclosed are original and 10 copies of a Petition to Intervene in the following two dockets:

- TC04-119, In the Matter of the Establishment of Switched Access Rates for the Local Exchanges Carriers Association; and
- TC05-096, In the Matter of the Establishment of Switched Access Rates for the Local Exchanges Carriers Association

which please file. With a copy of this letter service by mailing is made upon the service list. Thank you very much.

Yours truly,

MAY, ADAM, GERDES & THOMPSON LLP


BRETT KOENECKE

BK:mw

Enclosures

cc/enc: Service List

Lettie S.D. Friesen
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AUG 30 2005

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE ESTABLISHMENT) TC04-119
OF SWITCHED ACCESS RATES FOR THE)
LOCAL EXCHANGE CARRIERS ASSOCIATION) PETITION TO INTERVENE

Pursuant to ARSD 20:10:01:15.02 MCI by its undersigned counsel petitions the Commission as follows:

1. MCI is a certificated communications company under the jurisdiction of the Commission.

2. The Local Exchange Carriers Association ("LECA") has filed with the Commission a letter and supporting documentation, dated June 29, 2004, and supplemented by material dated June 30, 2004, and further supplemented by revised tariff pages accompanying an e-mail transmittal by Marlene Bennett dated August 3, 2004. This material seeks to establish revised, that is, increased, switched access rates for members of LECA, ". . . as necessitated by revisions in member companies' revenue requirements." This filing has not been finally approved by the Commission. It is subject to the Commission's order of August 5, 2004, indicating that the tariff revisions are effective as of August 1, 2004, subject to refund with interest pursuant to SDCL § 49-31-7.4. Other material in the docket indicates that final approval is awaiting LECA responses to staff's data requests. Thus, the docket is currently open and remains subject to further proof prior to final action by the Commission.

3. MCI has a direct interest in the outcome of this proceeding. As a certificated local exchange carrier and long distance carrier, MCI and its customers are subject to the payment of switched access charges in order to do business with LECA and its members. Any increase in access rates increases the cost of doing business for MCI and increases the cost of services for MCI's customers.

4. This is a late filed intervention. MCI affirmatively alleges that denial of MCI's petition will result in the inability of MCI to question the basis for LECA's revised, increased switched

access rates. MCI has engaged the services of experts to review the Commission's cost model as established by its rules and verily believes that the cost model is outdated and inaccurately reflects the underlying cost support for the switched access rates resulting from the application of the cost model. A denial by the Commission of MCI's petition to intervene would therefore be detrimental to the public interest and likely to result in a miscarriage of justice by further perpetuating artificially high switched access rates for LECA and its members.

WHEREFORE MCI prays that the Commission permit its intervention and participation in this proceeding to examine and cross-examine witnesses, participate in discovery and offer evidence on its own behalf.

Dated this 30 day of August, 2005.

MAY, ADAM GERDES & THOMPSON LLP

BY: 

BRETT KOENECKE

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CERTIFICATE OF SERVICE

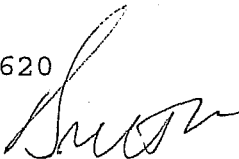
Brett Koenecke of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 30 day of August, 2005, he mailed by United States mail, first class postage thereon prepaid, a true and correct copy of the foregoing in the above-captioned action to the following at their last known addresses, to-wit:

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