



South Dakota Telecommunications Association
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Rural roots, global connections

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November 2, 2006

NOV 03 2006

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Ms. Patty Van Gerpen, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Ave.
State Capitol Building
Pierre, SD 57501

RE: Docket TC06-176, Petition for Arbitration of Sprint Communications
Company, L.P.

Dear Ms. Van Gerpen:

Enclosed you will find the original and ten (10) copies of a "SDTA Petition to Intervene"
in the above referenced proceeding.

As is evidenced by the Certificate of Service attached to the Petition, service has been
made to those parties identified in the case.

Thank you for your assistance in filing the original and distributing copies of the Petition.

Sincerely,

Richard D. Coit
SDTA Executive Director and General Counsel

RDC/ms

CC: Ben Dickens
Mary Sisak
Talbot J. Wiczorek
Diane C. Browning
Monica M. Barone

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In the Matter of the Petition of Sprint Communications Company L.P. for Arbitration Pursuant to the Telecommunications Act of 1996 to Resolve Issues Relating to an Interconnection Agreement with Brookings Municipal Utilities d/b/a Swiftel Communications

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DOCKET TC06-176

SDTA Petition to Intervene

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. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota.
2. On October 16, 2006, Sprint Communications Company L.P. (Sprint) filed a petition to arbitrate, pursuant to SDCL 49-31-81 and ARSD 20:10:32:29-32, and Section 252(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996), certain terms and conditions of a proposed Interconnection Agreement between Sprint and Brookings Municipal Utilities d/b/a Swiftel Communications (Swiftel).
3. In reviewing the Petition that has been filed, it is apparent that there are numerous interconnection related issues between the parties that are presently unresolved. A number of these issues raise matters that have not previously been addressed by this Commission and SDTA is concerned that some of the decisions made by the Commission may affect not just the interest of Swiftel, but also the interests of other SDTA member companies.

4. Although the Commission has not noticed this matter for intervention, SDTA seeks intervention herein on the based on the interest of Swiftel, an SDTA member, and also the pecuniary interests of other SDTA member LECs that are likely to be “bound and affected either favorably or adversely” by the outcome of the proceeding. (See ARSD § 20:10:01:15.05). SDTA is especially concerned that the interests of its member companies be protected on issues concerning: (1) the obligations of ILECs under 47 U.S.C. § 251 to provide interconnection services and whether these obligations extend to wholesale carriers; (2) indirect interconnection vs. direct interconnection obligations; (3) the responsibilities between indirectly connected carriers for transiting charges; (4) the appropriate ILEC rates for direct interconnection facilities; (5) what sharing provisions should apply to direct interconnection arrangements; (6) how “forward looking economic costs” are developed for purposes of determining reciprocal compensation rates; (7) what “point of interconnect” or “POI” obligations exist between the parties; and (8) what methods and data should be used to identify local vs. non-local traffic and interstate vs. intrastate non-local traffic exchanged between the parties.


5. Because the Commission serves as the arbitrating entity in this case, there is no second opportunity for SDTA to effectively advocate or preserve the common interests of its member companies on the issues presented. Accordingly, the denial of SDTA’s requested intervention in this proceeding would violate its due process rights and the due process rights of its member companies.

6. Based on all of the foregoing, SDTA alleges that it is an interested party in this matter and would seek intervening party status.

Dated this 2nd day of November, 2006.

Respectfully submitted:

SDTA

By: 
Richard D. Coit
Executive Director and General Counsel

CERTIFICATE OF SERVICE

I hereby certify that an original and ten (10) copies of the Petition for Intervention of SDTA in Docket TC06-176 was hand-delivered to the South Dakota PUC on November 2, 2006, directed to the attention of:

Patty Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

A copy was sent by US Postal Service First Class mail to each of the following individuals:

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Dated this 2nd day of November, 2006.



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