

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

In the Matter of the Application of Sprint
Communications Company L.P. for Authority
to Provide Local Exchange Services in Certain
Rural Areas Served by Interstate
Telecommunications Cooperative, Inc.

Docket No. TC06-180

**PETITION TO INTERVENE
OF INTERSTATE
TELECOMMUNICATIONS
COOPERATIVE, INC.**

COMES NOW, Interstate Telecommunications Cooperative, Inc., by and through its undersigned counsel, and pursuant to SDCL § 1-26-17.1 and A.R.S.D. 20:10:01:15.02, petitions this Commission for leave to intervene in the above entitled proceeding.

IN SUPPORT THEREOF, Petitioners do state and declare as follows:

1. Interstate Telecommunications Cooperative, Inc. (“ITC”) is a South Dakota cooperative corporation headquartered in Clear Lake, South Dakota. ITC presently operates twenty-six (26) local telephone exchanges serving approximately 14,232 access lines in the State of South Dakota. ITC is also a “rural telephone company” as defined in 47 U.S.C. § 153(37) and SDCL § 49-31-1(22).

2. On October 16, 2006, Sprint Communications Company L.P. (“Sprint”) filed a Petition with this Commission to arbitrate unresolved issues surrounding negotiations for an interconnection agreement with ITC pursuant to Section 252 of the Telecommunications Act of 1996, 47 U.S.C. § 151, Pub. L. No. 104-104, 110 Stat. 56 (1996) (codified at 47 U.S.C. § 151 *et seq.*) (the “Act”), SDCL § 49-31-81, and Commission Rule 20:10:32:29.

3. On October 24, 2006, Sprint petitioned this Commission for authority to provide local exchange service in the following rural exchanges: Castlewood, Elkton, Estelline, Hayti,

Lake Norden and White (the “Petition”). ITC is the incumbent local exchange carrier in these rural exchanges.

4. Sprint is currently authorized to offer local exchange telecommunications services throughout certain areas of State of South Dakota, with the exception that Sprint is required to seek authority from this Commission to offer telecommunications services in any rural areas. See April 28, 1997 Order Granting Amended Certificate of Authority, Docket No. TC96-156. In seeking this additional authority Sprint must demonstrate it satisfies all legal requirements. For example, the order in TC96-156 requires that Sprint must meet the requirements for eligible telecommunications carrier designation before being granted authorization to serve any rural service area.

5. In its Petition, Sprint alleges that it satisfies the requirements of an eligible telecommunications carrier under 47 U.S.C. § 214(e)(1) as required by A.R.S.D. § 20:10:32:15, as well as the additional requirements of 47 U.S.C. § 253(f), and should therefore be granted authorization to provide service in the rural areas specified in its Petition. See Petition at ¶¶3, 14-17. However, ITC does not currently have sufficient information to conclude that all of these requirements are satisfied.

6. Pursuant to 47 C.F.R. § 54.101(a) and (b), SDCL § 49-31-73, SDCL § 49-31-75, and ARSD 20:10:32:15 this Commission is vested with the authority to grant or deny Sprint’s Petition.

7. ITC has a direct and substantial interest in these proceedings as this Commission’s decision may, directly or indirectly, affect the quality or cost of telecommunications services provided by ITC to its customers.

8. ITC desires to intervene in order that it may fully review the application, receive documents, comment, present testimony, cross-examine witnesses and produce evidence either seeking to clarify or oppose Sprint's Petition, to the extent that such actions are required in the above entitled proceeding. ITC seeks to make certain that Sprint's Petition fully complies with all legal requirements and Commission orders.

WHEREFORE, ITC respectfully requests that the Commission grant this Petition to Intervene and authorize ITC to participate in the above entitled proceeding with full rights as a formal party.

Dated this 8 day of November, 2006.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was sent via email to the following:

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