



South Dakota Telecommunications Association
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Rural roots, global connections

November 22, 2006

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

RECEIVED
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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

RE: Docket TC06-189, Application of MCC Telephony of the Midwest,
Inc. d/b/a Mediacom for a Certificate of Authority to Provide
Interexchange and Local Exchange Services in Certain ITC Exchanges

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: Brett Koenecke
Talbot J. Wiczorek
Meredith Moore
Jerry Heiberger

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

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**IN THE MATTER OF THE APPLICATION
OF MCC TELEPHONY OF THE MIDWEST,
INC. d/b/a MEDIACOM FOR A
CERTIFICATE OF AUTHORITY TO
PROVIDE INTEREXCHANGE AND LOCAL
EXCHANGE SERVICE IN THE
CASTLEWOOD, ELKTON, ESTELLINE,
HAYTI, LAKE NORDEN, AND WHITE
EXCHANGES**

DOCKET TC06-189

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

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 or about November 6, 2006, MCC Telephony of the Midwest, Inc. d/b/a Mediacom ("MCC") filed a "Application for Certificate of Authority" seeking, in part, authorization to provide competitive local exchange services in the exchanges of Castlewood, Elkton, Estelline, Hayti, Lake Norden, and White exchanges that exist within the rural service area of the Interstate Telecommunications Cooperative, Inc. (hereinafter referenced as "ITC").
3. The Mediacom Application does not give any clear indication as to whether Mediacom will be able to satisfy the rural service area protection/safeguard that is provided for under 47 U.S.C. § 253(f) and also SDCL § 49-31-73. Under 47 U.S.C. § 253(f), States may "require a telecommunications carrier that seeks to provide telephone exchange service or exchange access in a service area served by a rural telephone company to meet the requirements in section 214(e)(1) for designation as an eligible telecommunications carrier for that area before being permitted to provide such service." *Emphasis added.* The South Dakota Legislature has imposed this protection/safeguard as a condition on the certification of competitive local exchange carriers in rural telephone company service areas through the enactment of SDCL § 49-31-73. This Commission has more specifically defined the requirements

imposed on competitive carriers pursuant to this statute through the adoption of ARSD §§ 20:10:32:15 through 20:10:32:19.

5. The Mediacom filing presents a number of issues to this Commission that are of interest to all SDTA member companies. SDTA is particularly concerned that this Commission, in its review of Mediacom's Application, seek to ensure full compliance with the safeguards referenced above that recognize the special circumstances faced by rural telephone companies in making local exchange service universally available in their high-cost rural service areas. The Application as filed presents questions as to whether Mediacom will only selectively provide its local exchange services to only the lowest cost customers within the ITC service area. Mediacom states in paragraph 15 of its Application that its' "plan for meeting the service obligations is contingent upon the interconnection agreement between Sprint and ITC." This statement falls far short of providing the information required by this Commission's administrative rules related to the additional service obligations that are imposed in rural service areas upon competitive local exchange carriers. Mediacom has provided no specific information indicating how the local exchange services described in its Application would be made available to all end user customers within the identified exchange areas. Further, it appears that Mediacom has in the alternative made a request for a waiver of the additional service obligations set forth in ARSD § 20:10:32:15, yet it has failed to provide any information indicating that the granting of such a waiver would be consistent with the applicable public interest standards found in ARSD § 20:10:32:18.

6. Given these issues and other deficiencies related to the Mediacom Application, all of the SDTA member companies are interested in this proceeding and stand to be affected by the Commission's decisions herein. SDTA seeks intervention in this proceeding based on the interest of ITC, an SDTA member, and also the interest of other SDTA member companies which operate as incumbent local exchange carriers and are likely to be "bound and affected either favorably or adversely" by the outcome of this proceeding. (See ARSD 20:10:01:15.05).

Dated this 22nd 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 TC06-189 was hand-delivered to the South Dakota PUC on November 22, 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 22nd day of November, 2006.



Mona Smith, Administrative Assistant
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