

CUTLER & DONAHOE, LLP  
ATTORNEYS AT LAW

Telephone (605) 335-4950

Fax (605) 335-4961

[www.cutlerlawfirm.com](http://www.cutlerlawfirm.com)

May 25, 2006

JEAN BROCKMUELLER, CPA (Inactive)  
BUSINESS MANAGER

\*Also licensed to practice  
in Minnesota

#Also licensed to practice  
in Iowa

‡Also licensed to practice  
in Nebraska

+Also licensed to practice  
in Missouri

†Admitted to practice in  
United States Tax Court

\*Also licensed as a  
Certified Public Accountant

>Arizona license only

RICHARD A. CUTLER  
KENT R. CUTLER  
BRIAN J. DONAHOE \*#  
STEVEN J. SARBACKER \*\*  
JAYNA M. VOSS  
MICHAEL D. BORNITZ ‡  
TRENT A. SWANSON \*  
RYAN J. TAYLOR †  
KIMBERLY R. WASSINK  
MEREDITH A. MOORE  
DAVID L. EDWARDS  
NATHAN S. SCHOEN \*†  
ONNA B. HOUCK #  
DAVID L. REZAC  
JARED A. SORENSON >

Ms. Patricia Van Gerpen  
Executive Director  
South Dakota Public Utilities Commission  
State Capitol Building  
500 East Capitol Avenue  
Pierre, SD 57501-5070

RECEIVED

MAY 30 2006

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

Re: ETC Filing - Midstate Telecom, Inc.  
Docket No. TC06-017  
Our File No. 2003.03

Dear Ms. Van Gerpen:

Please find enclosed for filing one original and eleven copies of Midstate Telecom, Inc.'s Answer to Qwest's Petition for Leave to Intervene (May 19, 2006) in Docket No. TC-06-017. Please return one file-stamped copy in the enclosed self-addressed, stamped envelope. Also please find enclosed a Certificate of Service signed by Ryan J. Taylor.

If you have any questions regarding this filing or require any clarification or further information, please feel free to contact Ryan or me at your earliest convenience at (605) 335-4950. Thank you for your assistance and consideration in this matter.

Sincerely,

CUTLER & DONAHOE, LLP



David L. Rezac  
For the Firm

Enclosures

cc: Mark Benton  
Doug Eidahl

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

IN THE MATTER OF THE APPLICATION	)	TC 06-017
OF MIDSTATE TELECOM, INC. FOR	)	
ELIGIBLE TELECOMMUNICATIONS	)	ANSWER TO QWEST'S
CARRIER DESIGNATION WITHIN THE	)	PETITION FOR LEAVE TO
QWEST EXCHANGE OF CHAMBERLAIN	)	INTERVENE

**MIDSTATE TELECOM, INC.'S ANSWER  
TO QWEST'S PETITION FOR LEAVE TO INTERVENE**

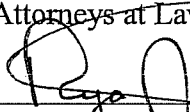
COMES NOW, Midstate Telecom, Inc. and submits this Answer in opposition to Qwest's Petition for Leave to Intervene and states as follows:

1. Pursuant to ARSD 20:10:01:15:02, Qwest Corporation petitioned the Commission that it be permitted to intervene and be granted status as a party in this matter. The intervention deadline set by the Commission was March 17, 2006. Qwest's Petition for Leave to Intervene was dated May 19, 2006 and filed May 22, 2006, over 60 days after the deadline for intervention. Further, Qwest has made no showing that a denial of its petition would be detrimental to the public interest or be likely to result in a miscarriage of justice. Pursuant to ARSD 20:10:01:15:02, Qwest's untimely petition "may not be granted by the [C]ommission" and should accordingly be denied. ARSD 20:10:01:15:02.

WHEREFORE, Midstate Telecom, Inc. requests that the Commission deny Qwest's Petition for Leave to Intervene.

Dated this 25<sup>th</sup> day of May, 2006.

CUTLER & DONAHOE, LLP  
Attorneys at Law

  
\_\_\_\_\_  
Ryan J. Taylor  
100 N. Phillips Ave., 9th Floor  
Sioux Falls, South Dakota 57104-6725  
Telephone (605) 335-4950  
Facsimile (605) 335-4961

Attorneys for Applicants Midstate  
Telecom, Inc.

**CERTIFICATE OF SERVICE**

I, Ryan Taylor, hereby certify that on this 25<sup>th</sup> day May, 2006, I have filed and served the original and ten (10) true and correct copies of the Answer to Qwest's Petition for Leave to Intervene by First-Class United States Mail to:

Patricia Van Gerpen  
Executive Director  
South Dakota Public Utilities Commission  
500 E. Capitol Avenue  
Pierre, SD 57501-5070;

And that a copy was sent to the following by First-Class United States Mail:

Qwest Communications Corporation  
c/o C T Corporation System  
319 S. Coteau St.  
Pierre, SD 57501-3108

Qwest Corporation  
Joan C. Peterson  
200 South Fifth Street  
Suite 2200  
Minneapolis, MN 55402  
(612) 672-8927

Collen E. Sevold  
Manager-Regulatory Affairs  
Qwest Corporation  
125 South Dakota Ave. 8<sup>th</sup> Fl.  
Sioux Falls, SD 57104

CUTLER & DONAHOE, LLP  
Attorneys at Law



Ryan J. Taylor  
100 N. Phillips Ave., 9th Floor  
Sioux Falls, South Dakota 57104-6725  
Telephone (605) 335-4950  
Facsimile (605) 335-4961  
Attorneys for Petitioner Midstate Telecom, Inc.

Subscribed and sworn to before me  
this 25<sup>th</sup> day of May, 2006.

David Nye  
Notary Public\*South Dakota  
My Commission Expires: 02/24/2012  
<SEAL>