

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 >

**CUTLER & DONAHOE, LLP**  
**ATTORNEYS AT LAW**

Telephone (605) 335-4950

Fax (605) 335-4961

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

February 23, 2006

JEAN BROCKMUJELLER, 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

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

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

**RECEIVED**

**FEB 27 2006**

**SOUTH DAKOTA PUBLIC  
 UTILITIES COMMISSION**

Dear Ms. Van Gerpen:

Please find enclosed for filing one original and eleven copies of the Application of Midstate Telecom, Inc. for Eligible Telecommunications Carrier Designation within the Qwest Exchange of Chamberlain. 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 me at your earliest convenience at (605) 335-4989. Thank you for your assistance and consideration in this matter.

Sincerely,

CUTLER & DONAHOE, LLP



Ryan J. Taylor  
 For the Firm

RJT:dah

Enclosures

cc: Mark Benton, Midstate  
 Doug Eidahl, Vantage Point

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

RECEIVED

FEB 27 2006

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION )  
OF MIDSTATE TELECOM, INC. FOR )  
ELIGIBLE TELECOMMUNICATIONS )  
CARRIER DESIGNATION WITHIN THE )  
QWEST EXCHANGE OF CHAMBERLAIN )

ETC PETITION  
TC 06-\_\_\_\_\_

Pursuant to ARSD 20:10:32:43, Midstate Telecom, Inc. (MTI) hereby petitions the Commission for its designation as an eligible telecommunications carrier in Qwest's Chamberlain, South Dakota exchange. Consistent with the Commission's rules MTI provides the following in support of this Petition:

**1. The name, address, and telephone number of the local service provider and its designated contact person:**

Midstate Telecom, Inc., 120 East First, PO Box 48, Kimball, South Dakota, 57355; Telephone: (605) 778-6221; Fax: (605) 778-8080; Designated contact person: Mark Benton, General Manager, Email Address: mbenton@midstate.coop. MTI is incorporated in South Dakota and is a wholly owned subsidiary of Midstate Communications, Inc., 120 East First, PO Box 48, Kimball, South Dakota, 57355.

**2. The proposed effective date of designation as an eligible telecommunications carrier:**

Upon approval by the Commission.

**3. Identification of the service area for which the designation is sought:**

Chamberlain/Oacoma

**4. A statement supporting the petition which specifies why the requested designation satisfies the requirements for eligible telecommunications designation and receiving federal universal service support under 47 C.F.R § 54.201 (September 10, 1998):**

MTI's Petition satisfies all the requirements for eligible telecommunications carrier designation and receiving federal universal service support under 47 C.F.R.

§ 54.201. MTI will provide all the services designated in 47 C.F.R. § 54.101(a) as follows:

**(1) Voice grade access to the public switched network:**

MTI currently provides voice grade dial tone services through its own facilities in the Chamberlain/Oacoma exchange. MTI's local network is connected to SDN Communication's tandem in Sioux Falls, which is connected to the PSTN. MTI's switch is a DMS10 which is capable of providing local dial tone and numerous other calling features.

**(2) Local usage:**

MTI charges a flat monthly service fee for local dial tone service with no limitation to the amount of minutes of use for local calls made or received.

**(3) Dual tone multi-frequency (DTMF) signaling or its functional equivalent:**

MTI provides DTMF signaling for all customers, shortening call set-up time.

**(4) Single-party service or its functional equivalent:**

MTI provides only single-party service in the Chamberlain/Oacoma exchange.

**(5) Access to emergency services:**

MTI has agreements and connectivity to all appropriate Public Service Access Points (PSAPs). MTI provides both 911 and enhanced 911 services. However, Brule and Lyman Counties have not implemented enhanced 911 yet.

**(6) Access to operator services:**

MTI provides live operator services to all customers under contract with an operator service provider based in Minnesota.

**(7) Access to interexchange service:**

MTI has provided interexchange services since its inception to its customers. MTI provides toll and toll free services. MTI also provides Interstate and Intrastate Equal Access to all customers. Therefore, customers have a variety of interexchange carriers to utilize for their long distance needs.

**(8) Access to directory assistance:**

MTI provides directory assistance to all customers under contract with a directory assistance provider based in Illinois.

**(9) Toll limitation for qualifying low income consumers:**

MTI provides both Toll Blocking and Toll Control. All customers can order and use either service.

**(10) Availability of Lifeline and Link-Up services to qualifying low-income consumers:**

MTI will make available Lifeline and Link-Up services to consumers that qualify for low-income assistance once the eligible telecommunications carrier status is granted.

**(11) Advertise the availability of the services within the exchange:**

MTI will advertise Lifeline and Link-Up and all other services via bill inserts, website, newsletters, pamphlets and newspapers. These advertisements will list the products and prices available to the consumer.

**5. If the provider is seeking a waiver of any eligible telecommunications carrier service requirements pursuant to 47 C.F.R § 54.101 (September 10, 1998), the specific reasons for the waiver, and the length of time for which the waiver is requested:**

MTI meets all requirements and seeks no waivers.

**6. If the local service provider is requesting designation in an area served by a rural telephone company and the rural company has already been designated an eligible telecommunications carrier, a statement specifying why its proposed additional designation is in the public interest:**

MTI is not applying for any area served by a rural telephone company.

**7. Summary:**

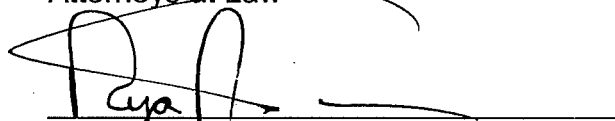
MTI has brought high speed Internet, video and calling features to the Chamberlain/Oacoma exchange that did not previously exist. MTI has made many improvements to the telecommunications services in the Chamberlain/Oacoma exchange. MTI also opened a customer service office in Chamberlain to provide better service to its customers. For all of the above

reasons, this Petition is in the public interest and should be granted by the Commission.

Wherefore, MTI requests that the Commission grant this Petition and approve eligible telecommunications carrier status for it in the area described above.

Dated this 23<sup>rd</sup> day of February, 2006.

CUTLER & DONAHOE, LLP  
Attorneys at Law

A handwritten signature in black ink, appearing to read "Ryan J. Taylor", is written over a horizontal line. The signature is stylized and somewhat cursive.

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.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

**RECEIVED**

FEB 27 2006

**SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE APPLICATION         )  
OF MIDSTATE TELECOM, INC. FOR            )  
ELIGIBLE TELECOMMUNICATIONS         )  
CARRIER DESIGNATION WITHIN THE         )  
QWEST EXCHANGE OF CHAMBERLAIN         )

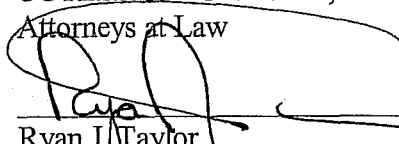
ETC PETITION  
TC 06-\_\_\_\_\_

State of South Dakota )  
  ) SS  
County of Minnehaha )

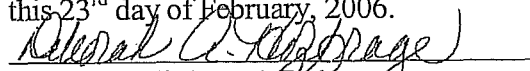
I, Ryan J. Taylor do hereby certify that on this 23<sup>rd</sup> day of February, 2006, I have filed and served the original and ten (10) true and correct copies of the Application of Midstate Telecom, Inc. for Eligible Telecommunications Carrier Designation within the Qwest Exchange of Chamberlain by First-Class United States Mail to:

South Dakota Public Utilities Commission  
500 E. Capitol Avenue  
Pierre, SD 57501-5070

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 23<sup>rd</sup> day of February, 2006.  
  
Notary Public\*South Dakota  
My Commission Expires: 01-18-08

