



South Dakota Telecommunications Association
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Rural roots, global connections

June 2, 2006

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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

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

RE: Docket TC06-046 (In the Matter of the Combined Application of MCC Telephony of the Midwest, Inc. d/b/a Mediacom for a Statewide Certificate of Authority to Provide Interexchange and Local Exchange Service).

Dear Ms. Van Gerpen:

The South Dakota Telecommunications Association ("SDTA") has decided to not pursue intervention in the above referenced proceeding at this time, but does feel compelled to submit some limited comment concerning the present application filed by MCC Telephony of the Midwest, Inc. d/b/a Mediacom ("MCC"). These comments are presented pursuant to ARSD 20:10:01:15.06 which sets forth the right of an individual to appear in PUC proceedings without filing a petition to intervene.

In regards to the "Application for [a] Combined Certificate of Authority" that has been filed by MCC, despite certain reference in the filing to a "statewide certificate of authority," it is SDTA's understanding based on more specific language in the Application that the request made for local service authority extends only to Qwest exchange areas. This understanding is based on language in the "Introduction" paragraph of the Application which states that local service authority is sought "throughout the state of South Dakota, excluding rural service areas . . ." And, also based on the language in paragraph 8 of the Application which states that "applicant requests authority to provide service in areas of the state for which certification does not require eligible telecommunications carrier status."

These statements appear to eliminate any questions concerning the geographic scope of the Application, yet there are certain other matters pending before a number of rural telephone companies in South Dakota that suggest that MCC may soon expand its request for local service authority to include certain rural telephone company service areas.

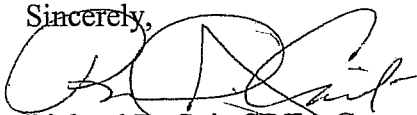
In several paragraphs in the Application it is indicated that MCC will be assisted in its provisioning of telecommunications services, in particular in the provisioning of local exchange services, through interconnection services received from its vendor, "Sprint Communications." (See paragraphs 7, 10, and 13). Paragraph 13, for example, states that "MCC intends to seek interconnection with Qwest through [its] vendor Sprint, in order to exchange traffic with the

public switched telephone network.” The statements made in MCC’s Application, referring to interconnection arrangements with “Sprint,” indirectly give rise to questions concerning MCC’s intentions with respect to rural service areas in South Dakota. As is indicated by the Petition to Intervene filed by Brookings Municipal Utilities d/b/a Swiftel Communications (“Swiftel”) in this matter, even though MCC’s request for local service authority seems limited to Qwest areas, the request may soon be expanded to certain rural service areas. Sprint Communications, as noted in the Swiftel Petition, has already requested interconnection from Swiftel for the purpose of providing local exchange service and it is evident at this point that the interconnection services being requested are intended for resale to Mediacom Minnesota, LLC (“Mediacom”). Mediacom presently provides cable television services in Swiftel’s service area and is a cable affiliate of MCC. In addition, similar requests for interconnection have been made by Sprint to a number of other rural telephone companies operating in South Dakota, including Interstate Telecommunications Cooperative, Santel Communications Cooperative, PrairieWave Community Telephone, McCook Cooperative Telephone Bridgewater-Canistota Independent Telephone Company and Vivian Telephone Company. Mediacom also currently provides cable television services in each of these companies’ rural service areas.

The purpose of these comments is to make the Commission aware of the other interconnection requests made by Sprint that, from the rural LECs’ perspective, appear related to Mediacom’s provisioning of local exchange services in South Dakota, and to note for the record that, should the present Application for certification at any time be amended to include rural service areas, SDTA reserves the right to intervene in the process. In addition, it appears that there is some possibility that this Docket could lead to a debate between the parties and a possible decision by this Commission concerning the extent of its jurisdiction over “IP-based voice services.” The Application, on pages 13 and 14, includes a “Reservation of Rights” wherein, MCC has reserved “any and all substantive and procedural rights under federal or state law, including any and all rights regarding the authority of the Commission and other state bodies to regulate MCC’s IP-based services.” If the Commission, in this process, feels it necessary to address this statement and hear argument on jurisdictional questions related to the extent of its authority over the local exchange services to be offered by MCC, the scope of this proceeding would expand into issues that are of interest to the entire SDTA membership. If it does become necessary in this process to address these jurisdictional issues, SDTA would likely proceed with a late-filed intervention petition.

Finally, it should be noted that because the MCC Application does not at this time seek local service authority in rural service areas, SDTA will not view any ultimate determinations made by the Commission in this proceeding related to MCC’s technical, financial, and managerial abilities as being determinative and/or binding in any later separate proceedings that are held to address MCC’s local service authority in rural service areas.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Coit", written over a circular stamp or seal.

Richard D. Coit, SDTA General Counsel

CC: David A. Gerdes