



South Dakota Telecommunications Association
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Rural roots, global connections

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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

June 28, 2006

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

RE: Docket TC06-063, Application of 360networks, Inc.

Dear Ms. Van Gerpen:

Attached for filing with the Commission in the above referenced docket are the original and ten (10) copies of a Petition to Intervene of the South Dakota Telecommunications Association.

Also provided, with the Petition, is a Certificate of Service verifying service of the same on representatives of "360networks."

Thank you for your assistance in filing and distributing these documents.

Sincerely,

Richard D. Coit
Executive Director and General Counsel
SDTA

BEFORE THE PUBLIC UTILITIES COMMISSION

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION)
OF 360NETWORKS (USA) INC. FOR A) DOCKET TC06-063
CERTIFICATE OF AUTHORITY TO)
FACILITIES-BASED LOCAL EXCHANGE)
ACCESS SERVICES IN THE STATE OF)
SOUTH DAKOTA)

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 June 16, 2006, 360networks (USA) Inc. ("360networks") filed an "Application for a Certificate of Authority to Provide Facilities-Based Local Exchange Access Services" with the Commission seeking authorization to provide certain competitive local exchange service offerings in the State of South Dakota.

4. Paragraph 7 of the Application indicates that 360networks "proposes to provide competitive local exchange access (network) services including switched access and transport, to commercial interconnecting carriers throughout South Dakota." Paragraph 8 of the Application, in addressing the "Geographic Areas of Service" states that Applicant "initially intends to provide local exchange access service in the service area currently served by Qwest Communications Corporation and subsequently throughout the State of South Dakota."

5. In regards to the Application, it appears that the provisions of § 49-31-70 and ARSD § 20:10:32:04 are applicable. These provisions require that notice of the application be provided to other, already certified, local exchange carriers. No indication is given by the current Application as to whether 360networks has provided this required notice.

6. All of the SDTA member companies operate as “rural telephone companies” for purposes of the Federal Telecommunications Act of 1996 and also the state laws enacted in 1998 addressing local exchange competition (SDCL §§ 39-31-69, et. seq.).

7. Because the Application filed by 360networks claims to seek certification for certain local exchange services throughout the State of South Dakota, all of the SDTA member local exchange carriers (“LECs”) have an interest in and may be impacted by this proceeding. SDTA seeks intervention in this proceeding based on the individual interests of each of its member LECs and based on their common interest to ensure that applicable provisions contained in the state statutes and within the Commission’s administrative rules, particularly those relevant to competitive local exchange services in rural service areas, are properly applied.

8. With respect to the Application filed by 360networks, SDTA believes that the application, insofar as it relates to certification for local exchange service, is deficient for failing to provide all of the information required by the Commission’s administrative rules. Further, questions are presented by the Application as to whether 360networks actually intends to provide competitive local exchange type services in rural telephone company service areas or whether it merely intends to resell certain “local exchange access services” obtained from Qwest to those local exchange carriers that are operating in rural service areas. Paragraph 12 of the Application suggests that Applicant may only be “interconnecting” with Qwest. If this means that the company has no current plans to obtain interconnection services from rural telephone companies (for purposes of provisioning wholesale access services to other carriers) it would seem that it is unnecessary for the current Application to extend to rural telephone company service areas.

9. Based on all of the foregoing, SDTA alleges that it is an interested party in this matter and would seek intervening party status.

Dated this 28th day of June 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 SDTA Petition to Intervene in Docket TC06-063 was hand-delivered to the South Dakota PUC on June 28, 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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Miller Isar, Inc.
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Seattle, Washington 98121

Charles Forst
360 networks (USA) inc.
867 Coal Creek Circle/Suite 160
Louisville, CO 80027

Dated this 28th day of June, 2006.



Richard D. Coit, General Counsel
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