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February 12, 2007

E-FILING

Patricia Van Gerpen
South Dakota Public Utilities Commission
Capitol Building, 1st Floor
500 East Capitol Avenue
Pierre SD 57501-5070

RE: Sprint Communications – Swiftel’s Suspension, TC07-007
GPGN File No. 8509.060584

Dear Ms. Van Gerpen:

Attached please find Sprint’s Petition to Intervene in the Petition of Brookings Municipal Utilities d/b/a Swiftel Communications for Suspension matter, Docket TC07-007. By copy of same, counsel have been served.

If you have any questions, please contact me.

Sincerely,



Talbot J. Wieczorek

TJW:klw

Enclosure

c: Rich Helsper/Mary Sisak/Ben Dickens via email
Rich Coit via email
Kara Van Bockern/Harlan Best via email only
Clients

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE PETITION OF
BROOKINGS MUNICIPAL UTILITIES
D/B/A SWIFTEL COMMUNICATIONS
FOR SUSPENSION OR MODIFICATION OF
LOCAL DIALING PARITY RECIPROCAL
COMPENSATION OBLIGATIONS

DOCKET No. TC07-007

SPRINT COMMUNICATIONS COMPANY, L.P.'s PETITION TO INTERVENE

Sprint Communications Company, L.P., (hereinafter "Sprint") by and through its attorneys, hereby petitions the Commission for intervention in the above-captioned proceeding pursuant to SDCL § 1-26-17.1 and A.R.S.D. §§ 20:10:01:15.02, 20:10:01:15.03 and 20:10:01:15.05. In support hereof, Sprint states as follows:

1. Sprint is a Delaware limited partnership with its principal place of business at 6200 Sprint Parkway, Overland Park, Kansas 66251. Sprint is a telecommunications carrier providing interexchange telecommunications services in South Dakota pursuant to its Certificate of Service Authority issued by the South Dakota Public Utilities Commission (hereinafter "Commission"). Sprint also holds a Certificate of Authority granted by this Commission in Docket TC 96-153, authorizing Sprint to offer local exchange telecommunications services statewide throughout South Dakota.

2. On January 30, 2007, Swiftel filed with this Commission a Petition for Suspension or Modification of its obligations to provide Local Number Portability, Dialing Parity and reciprocal compensation. Generally, Swiftel has requested that it not have to provide wireline local portability until four-months after a competitive LEC is certified to provide local

service in Swiftel's service territory and that in the provisioning of local number portability Swiftel not be required to transport ported numbers beyond its service territory. Regarding dialing parity, Swiftel has asked for a determination that Swiftel is not required to provide local dialing and is not required to transport outside its service territory. This includes a modification of toll dialing parity requirements so Swiftel would not be required to perform equal access function at its in office or establish access traffic transport facilities other than common trunks to South Dakota networks. Finally, Swiftel has requested modification of its reciprocal compensation requirements that it does not have to pay reciprocal compensation of traffic terminating to a wireless carrier within the same MTA as Swiftel when the call is handed off by Swiftel to an IXC. Swiftel has also requested immediate suspension of these obligations.

3. Previously, on October 16, 2006, Sprint filed a Petition for Arbitration pursuant to 47 U.S.C. § 252, SDCL § 49-31-81 and A.R.S.D. 20:10:32:29. Docket Number TC 06-176. This Petition sought arbitration between Swiftel and Sprint on numerous issues regarding an interconnection agreement between the parties. Swiftel then filed its response on November 13, 2006.

4. The request for relief sought by the Petition for Suspension or Modification filed by Swiftel impacts numerous issues that are pending in the arbitration file. Swiftel should be estopped from seeking suspension on the issues brought forth in this filing as those issues are pending in arbitration and no objection or suspension was requested at the time of the negotiations or prior to the filing of the arbitration.

5. While Swiftel could have filed its Petition when Sprint first requested to negotiate an interconnection agreement back in November 2005, it chose to wait until the eve of the arbitration to make such a request. Moreover, with respect to number portability, Swiftel failed

to request a suspension or modification within six (6) months of receiving Sprint's Bona Fide Request (See attached request dated March 16, 2006) for number portability and thus should have upgraded its switch to comply with 47 C.F.R. § 52.23(c) by now. Swiftel should not be rewarded for its delay. With regard to its obligations under section 251(b) of the Act, Swiftel must comply with its duties under the Act unless and until its Petition is granted. Sprint proposed language with respect to these duties in its original request to Swiftel. Again, Swiftel should not be rewarded for its delay and the Commission should not grant interim relief. Such relief is not contemplated by the Act. Swiftel must have understood the risk it was taking when it chose to wait to file its Petition.

6. Swiftel's filing of a Petition for Suspension or Modification on the eve of filing pre-filed testimony for the arbitration appears to be an attempt by Swiftel to manipulate the arbitration process and prejudice the Commission in its determination of the terms of the interconnection agreement.

7. Sprint is a necessary party in the Petition for Suspension or Modification as it is necessary for Sprint to be involved to protect Sprint's rights in regard to the petition for arbitration of the interconnection agreement. The outcome of the suspension or modification would impact Sprint and Sprint may be bound and affected adversely should Swiftel's requested relief be granted.

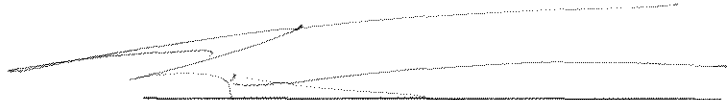
8. Sprint is also a CMRS carrier within the metropolitan trade area that encompasses Swiftel and Sprint's rights to collect reciprocal compensation from Swiftel could be impacted based on Swiftel's requested relief under its Petition for Suspension or Modification.

9. Sprint's ability to operate and provide services either as a CLEC, an IXC and a CMRS carrier would all be impacted adversely should Swiftel's requests for relief be granted.

WHEREFORE, based on the foregoing, Sprint is an interested party in this matter and should be permitted to intervene and participate as a party.

Dated this 12 day of February 2007.

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SPRINT COMMUNICATIONS COMPANY L.P.



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CERTIFICATE OF SERVICE

I hereby certify that on the 12 day of February, 2007, a true and correct copy of **Sprint's Petition to Intervene** was sent electronically and by first-class, U.S. Mail, postage paid to:

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