

LAW OFFICES
OLINGER, LOVALD, McCAHREN & REIMERS, P.C.

117 EAST CAPITOL
P.O. BOX 66
PIERRE, SOUTH DAKOTA 57501-0066
www.olingertlaw.com

RONALD D. OLINGER
JOHN S. LOVALD
LEE C. "KIP" McCAHREN
WADE A. REIMERS
WILLIAM M. VAN CAMP

TELEPHONE: 605-224-8851
FAX: 605-224-8269
TOLL FREE: 877-225-5549

December 14, 2007

Patty Van Gerpen
Executive Director
SD Public Utilities Commission
500 E Capitol
Pierre SD 57501

Re: Docket #TC07-118

Dear Patty:

Attached please find a Petition for Intervention by AT&T Communications of the Midwest regarding this docket. Please note that I am filing this Petition for Intervention electronically pursuant to Rule while serving PrairiWave by mail.

If you have any questions, please feel free to let me know.

Sincerely,



William M. Van Camp
Attorney at Law

WVC:lrd

enclosures

cc: William Heaston
Isabelle Salgado

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

In the Matter of the Filing by PrairieWave)	
Community Telephone, Inc., for an)	
Exemption from Developing Company)	Docket No. TC07-118
Specific Cost-Based Switched Access)	
Rates)	
)	

**PETITION FOR INTERVENTION BY AT&T COMMUNICATIONS OF THE
MIDWEST, INC., AND LIMITED OPPOSITION TO
PETITION OF PRAIRIEWAVE FOR AN EXEMPTION**

Pursuant to ARSD Sec. 20:10:01:15.02, AT&T Communications of the Midwest, Inc., (“AT&T”) petitions to intervene in the above captioned proceeding. In its Petition filed on November 16, 2007, PrairieWave Telecommunications, Inc., (“PrairieWave”) requests that it be exempted from Commission’s regulation that requires a telecommunications company to develop “intrastate switched access rates based on company-specific costs.” ARSD 20:10:27:11.

According to ARSD 20:10:27:11 the burden is on PrairieWave to establish that it lacks the necessary financial, technical or managerial resources to determine its switched access rates based on company-specific costs or that the cost of such an exercise outweighs any benefit to consumers or customers of PrairieWave services. The cursory statement of PrairieWave in Paragraph 4 of its Petition for Exemption does not meet the requirements of the Commission’s rules. PrairieWave conducted a cost study in 2004 in Docket TC04-115. PrairieWave has produced nothing that would indicate its financial, technical or managerial position has diminished to warrant an exemption from the cost study rules, or that the consuming public benefits from a failure to follow the current switched access rules.

As an interexchange carrier, AT&T is required to pay intrastate switched access fees to local exchange carriers, such as PrairieWave, for toll calls that originate and terminate in the state. The amount paid by AT&T for switched access calls is a significant cost-component to its provision of interexchange services. Thus, AT&T has a substantial financial interest in ensuring that access fees are reasonable and consistent with the public interest. As such, granting a waiver to PrairieWave of the Commission's rule that requires company-specific, cost-based switched access rates could have an impact on AT&T. However, AT&T is aware of the pending rulemaking proceeding referenced by PrairieWave.

While AT&T is hopeful that the generic switched access rates rulemaking docket will bring about substantial and sustainable reforms in the manner in which intrastate switched access rates are set today in South Dakota, such rulemaking proceedings can take a long time to conclude because of the competing views of the participants and other priorities of the Commission.

While AT&T does not object to PrairieWave's request for an exemption for 2007, it does object to a requested three year waiver.

WHEREFORE AT&T requests that it be granted intervention status in this proceeding and that any an exemption granted in this proceeding be limited to the calendar year 2007. If PrairieWave believes there is merit in obtaining a similar exemption next year, it should be required to file a new petition.

Respectfully submitted this 14th day of December, 2007.

OLINGER, LOVALD, MCCAHCEN & REIMERS, PC

/s/ filed electronically

William M. Van Camp

PO Box 66

Pierre, SD 57501

Telephone: (605) 224-8851

Attorneys for AT&T Communications of the Midwest, Inc.

CERTIFICATE OF SERVICE

William M. Van Camp hereby certifies that on the 14th day of December 2007, he mailed by United States mail, first class postage thereon prepaid, a true and correct copy of the Petition for Intervention by AT&T Communications of the Midwest, Inc., and Limited Opposition to Petition of PrairieWave for an Exemption in the above-captioned action to the following at their last known addresses, to-wit:

Mr. William P. Heaston
PrairieWave Telecommunications, Inc
5100 South Broadband Lane
Sioux Falls, SD 57108
(605) 965-9894
wheaston@prairiewave.com

/s/ filed electronically

William M. Van Camp

Olinger, Lovald, McCahren, and Reimers P.C.

PO Box 66

Pierre, South Dakota 57501