



**South Dakota Telecommunications Association**  
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South Dakota Telecommunications Association

February 27, 2008

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

RE: Docket TC08-012, Petition of RC Communications, Inc., and Roberts County Telephone Cooperative Assn. for Suspension and Modification of Section 251(b)(2) of the Communications Act of 1934, as amended

Dear Ms. Van Gerpen:

Enclosed for filing in the above referenced docket you will find an original version of the Petition to Intervene of the South Dakota Telecommunications Association (SDTA).

As is evidenced by the Certificate of Service, also provided, service has been made to counsel for the involved rural telephone company or companies.

Thank you for your assistance in filing and distributing copies of this document within the Commission.

Sincerely,

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

Richard D. Coit  
SDTA Executive Director and General Counsel

CC: Darla Pollman Rogers

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

**IN THE MATTER OF THE PETITION OF )  
RC COMMUNICATIONS, INC. AND ROBERTS )  
COUNTY TELEPHONE COOPERATIVE ASSN. )  
FOR SUSPENSION AND MODIFICATION OF § )  
251(b)(2) OF THE COMMUNICATIONS ACT )  
OF 1934, AS AMENDED )**

**DOCKET TC08-012  
PETITION TO INTERVENE**

**SDTA Petition for Intervention**

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. On or about February 8, 2008, RC Communications, Inc. (RC Communications) and Roberts County Telephone Cooperative Assn. (Roberts County Telephone) filed with this Commission pursuant to 47 U.S.C. § 251(f)(2) and SDCL § 49-31-80 a petition seeking a suspension or modification of the requirement to implement the "Local Number Portability" ("LNP") obligations established by the FCC under 47 U.S.C. §251(b)(2).

2. As noted in the RC Communications and Roberts County Telephone Petition, filed with the Commission, both RC Communications and Roberts County Telephone are rural telephone companies as defined in 47 U.S.C. § 153(37). Pursuant to 47 U.S.C. § 251(f)(2), any rural local exchange carrier serving fewer than two percent (2%) of the Nation's subscriber line installed in the aggregate nationwide may petition the State Commission for a suspension or modification of any of the interconnection obligations set forth in 47 U.S.C. §§ 251(b) and/or 251(c). According to the provisions of 47 U.S.C. 251(f)(2) and SDCL 49-31-80, this

Commission shall grant a petition of suspension or modification to the extent that, and for such duration as the State Commission determines that such suspension or modification –

(A) is necessary:

(i) to avoid a significant adverse economic impact on users of telecommunications services generally;

(ii) to avoid imposing a requirement that is unduly economically burdensome; or

(iii) to avoid imposing a requirement that is technically infeasible; and

(B) is consistent with the public interest, convenience, and necessity.

3. Pursuant to the above, the Commission must grant a petition for suspension or modification if the Commission finds that any of the three criteria set forth in sub-part (A) of this statutory section is established and further finds that the suspension or modification is consistent with the public interest, convenience and necessity.

4. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota. Its membership includes not only RC Communications and Roberts County Telephone, but also many other rural telephone companies operating in the State that have received requests for intermodal LNP from certain wireless telecommunications carriers.

5. SDTA seeks intervention in this proceeding based on the direct interests of RC Communications and Roberts County Telephone and also based on the likelihood that determinations made by the Commission in this matter will impact the similar proceedings initiated by other SDTA member companies. As noted in RC Communications and Roberts County Telephone Petition, at the present time, neither all of the interconnection points or

facility arrangements are in place to permit the appropriate routing of wireline calls to local rated numbers that may either be ported to or among wireless carriers or VOIP providers. In addition, as the FCC has indicated in the Final Regulatory Flexibility Analysis issued as part of its recent Report and Order Related to LNP (FCC07-188), various rating and routing issues and, specifically, issues concerning the costs of transporting calls to ported numbers are still pending before the FCC in several other proceedings and have not yet been resolved. The FCC has made it clear that the suspension and/or modification process provided for under 47 U.S.C. § 251(f)(2) remains available as a remedy through which state commissions may address concerns over the underlying rating and routing issues and transport costs issues that arise in the context of LNP implementation.

6. As was made evident during the course of the prior LNP suspension and/or modification proceedings before this Commission, the rating and routing and transport cost issues raised with LNP implementation are of significant interest to the rural telecommunications industry in South Dakota and, accordingly, SDTA seeks intervention herein.

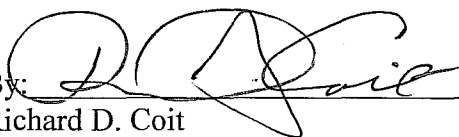
7. SDTA supports the RC Communications and Roberts County Telephone request for suspension and modification of the federal LNP requirements for all those reasons set forth in their Petition filed in this matter, and strongly urges the Commission to grant the relief requested.

8. Based on all of the foregoing, SDTA seeks intervening party status in this proceeding.

Dated this 28<sup>th</sup> day of February, 2008.

Respectfully submitted:

THE SOUTH DAKOTA  
TELECOMMUNICATIONS ASSOCIATION

By:   
Richard D. Coit

Executive Director and General Counsel

## CERTIFICATE OF SERVICE

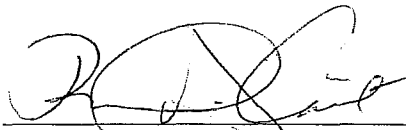
I hereby certify that an original of the foregoing document was electronically filed and served with the South Dakota Public Utilities Commission on February 29, 2008 to:

Patty VanGerpen  
Executive Director  
South Dakota Public Utilities Commission  
500 East Capitol Avenue  
Pierre, SD 57501

Copies were sent by e-mail and First Class mail via the U.S. Postal Service to:

Darla Rogers Pollman  
Attorney At Law  
Riter Rogers Wattier & Brown  
PO Box 280  
Pierre, SD 57501

Dated this 29<sup>th</sup> day of February, 2008.



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Richard D. Coit, General Counsel  
South Dakota Telecommunications Association  
PO Box 57 – 320 East Capitol Avenue  
Pierre, SD 57501-0057