

GUNDERSON, PALMER, GOODSSELL & NELSON, LLP

ATTORNEYS AT LAW

J. CRISMAN PALMER
G. VERNE GOODSSELL
JAMES S. NELSON
DANIEL E. ASHMORE
TERENCE R. QUINN
DONALD P. KNUDSEN
PATRICK G. GOETZINGER
TALBOT J. WIECZOREK
JENNIFER K. TRUCANO
DAVID E. LUST
THOMAS E. SIMMONS

ASSURANT BUILDING
440 MT. RUSHMORE ROAD
POST OFFICE BOX 8045
RAPID CITY, SOUTH DAKOTA 57709-8045
TELEPHONE (605) 342-1078 • FAX (605) 342-0480
www.gundersonpalmer.com
ATTORNEYS LICENSED TO PRACTICE IN
SOUTH DAKOTA, NORTH DAKOTA, IOWA, NEBRASKA
COLORADO, CALIFORNIA, WYOMING & MINNESOTA

TERRI LEE WILLIAMS
SARA FRANKENSTEIN
AMY K. KOENIG
JASON M. SMILEY
JONATHAN M. OOSTRA
MATTHEW E. NAASZ
MATTHEW R. McGOVERN
QUENTIN L. RIGGINS
JEFFREY R. CONNOLLY
WYNN A. GUNDERSON
Of Counsel

February 29, 2008

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 Company, L.P. – Petition of ITC for Suspension or
Modification of Section 251 (b)(2) of the Communications Act of 1934, as
amended
TC08-024 GPGN File No. 8509-070220

Dear Ms. Van Gerpen:

Enclosed please find Sprint's Petition to Intervene in the above-entitled matter. By copy of same, counsel have been served.

If you have any questions, please contact me.

Sincerely,



Talbot J. Wieczorek

TJW:klw
Enclosure
c: Service List
Client

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE PETITION OF
INTERSTATE TELECOMMUNICATIONS
COOPERATIVE, INC.
FOR SUSPENSION OR MODIFICATION OF
SECTION 251(b)(2) OF THE
COMMUNICATIONS ACT OF 1934,
AS AMENDED

DOCKET No. TC08-024

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 February 8, 2008, Interstate Telecommunications Cooperative, Inc. (hereinafter "ITC") filed with this Commission a Petition for Suspension or Modification of its obligations to provide Local Number Portability (LNP) to Voice Over Internet Protocol (VoIP) provider, Docket Number TC07-024. Among other requests for relief, ITC has requested that it

not have to provide local number portability until transport issues were resolved to ITC's satisfaction.

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 06-175. This Petition sought arbitration between ITC and Sprint on numerous issues regarding an interconnection agreement between the parties. ITC then filed its response.

4. Also, in 2006, Sprint filed a Request for Authority to Provide Service in the ITC area, Docket No. TC06-180. MCC filed a similar proceeding seeking authority to provide local telephone service in the ITC area. Docket No. TC06- 189. As set forth in those proceedings and the arbitration, the local service to be provided by Sprint and MCC would be provided jointly. Similar arrangements have been made in South Dakota and are used to provide CLEC services in numerous other jurisdictions.

5. Pursuant to the jointly provisioned service, the voice service at the customer premise is a fixed interconnected VoIP service. The traffic is transported over MCC's hybrid fiber coax system to an aggregation point and then transported to Sprint. Sprint converts the traffic to Time Division Multiplexed traffic prior to termination to the public switched telephone network (PSTN). Traffic originating on the PSTN directed to an end user of this service is converted to Internet Protocol prior to delivery to MCC for termination to the appropriate end user.

6. Under this jointly provisioned service model, Sprint is responsible for numbering resources, administration, and porting. However, Sprint is concerned that the suspension sought by ITC is intended to apply to the business model that Sprint will use to provide services to South Dakota customers. ITC seeks suspension of its LNP obligations to VoIP providers

without identifying the type of VoIP service targeted through its request. There is no justification to treat LNP for the jointly provided services that Sprint will utilize any differently than wireline to wireline LNP merely because the service to the end user is an interconnected VoIP service. Because of these concerns, Sprint is compelled to intervene in this proceeding to ensure that its rights are not impacted by any suspension granted to ITC.

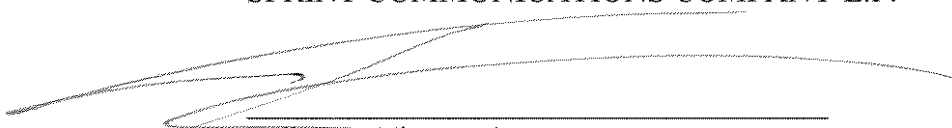
7. Sprint is a necessary party in the petition for suspension or modification as it is necessary for Sprint to be involved to protect Sprint's rights in regard to the petition for arbitration of the interconnection agreement and its request for a certificate of authority. The outcome of the suspension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

8. Sprint's ability to operate and provide services either as a CLEC and an IXC would all be impacted adversely should ITC'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.

Dated this 23 day of February 2008.

ATTORNEYS FOR
SPRINT COMMUNICATIONS COMPANY L.P.



Talbot J. Wieczorek
GUNDERSON, PALMER, GOODSSELL
& NELSON, LLP
440 Mt. Rushmore Road, Fourth Floor
PO Box 8045
Rapid City SD 57709
605-342-1078
Fax: 605-342-0480
Email: tjw@gpgnlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of February, 2008, a true and correct copy of **Sprint's Petition to Intervene** was sent electronically and by first-class, U.S. Mail, postage paid to:

harlan.best@state.sd.us
HARLAN BEST
STAFF ANALYST
SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION
500 EAST CAPITOL
PIERRE SD 57501

rolayne.wiest@state.sd.us
Ms. Rolayne Alts Wiest
STAFF ATTORNEY
SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION
500 EAST CAPITOL
PIERRE SD 57501

JERRY HEIBERGER
INTERSTATE TELECOMMUNICATIONS
COOPERATIVE INC.
312 4TH STREET
P.O. BOX 920
CLEAR LAKE SD 57226
jerryhei@itctel.com

Linda.godfrey@verizonwireless.com

MS LINDA GODFREY
VERIZON WIRELESS
2785 MITCHELL DRIVE MS 7-1
WALNUT CREEK CA 94598

KATHY MCGINN
RURAL CELLULAR CORPORATION/UNICEL
3905 DAKOTA STREET S.W.
P. O. BOX 2000
ALEXANDRIA, MN 56308
kathyjm@unicel.com

MS DARLA POLLMAN ROGERS
ATTORNEY AT LAW
RITER, ROGERS, WATTIER & BROWN, LLP
P.O. BOX 280
PIERRE, SD 57501-0280
dprogers@riterlaw.com

MS MARGO D. NORTHRUP
ATTORNEY AT LAW
RITER, ROGERS, WATTIER & BROWN, LLP
P.O. BOX 280
PIERRE, SD 57501-0280
m.northrup@riterlaw.com


bhd@bloostonlaw.com
MR BEN H DICKENS JR
ATTORNEY AT LAW
BLOOSTON MORDKOFKY DICKENS
DUFFY & PENDERGAST
2120 L STREET NW SUITE 300
WASHINGTON DC 20037

mjs@bloostonlaw.com
MS MARY J SISAK
ATTORNEY AT LAW
BLOOSTON MORDKOFKY DICKENS
DUFFY & PENDERGAST
2120 L STREET NW, SUITE 300
WASHINGTON DC 20037

rjh1@brookings.net
RICHARD HELSPER
GLOVER & HELSPER, PC
415 EIGHTH STREET, SOUTH
BROOKINGS SD 57006

bret.lawson@sprint.com

MR. BRET LAWSON
SPRINT NEXTEL CORP.
MAILSTOP: KSOPHN0304-3B511
6450 SPRINT PARKWAY
OVERLAND PARK, KS 66251


Talbot J. Wieczorek