

BEFORE THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

In the Matter of the Petition )  
of Interstate Telecommunications )  
Cooperative, Inc. )  
for Suspension or Modification ) Docket No. TC08-024  
of Section 251(b)(2) of the )  
Communications Act of 1934, )  
as amended )

**OPPOSITION OF INTERSTATE TELECOMMUNICATIONS  
COOPERATIVE, INC. TO PETITION TO INTERVENE FILED BY  
MCC TELEPHONY OF THE MIDWEST, INC., DBA MEDIACOM**

1. On February 8, 2008, ITC Telecommunications Cooperative, Inc. (ITC) filed with the Commission a Petition for Suspension or Modification of its obligations as a local exchange carrier in connection with the provisioning of intermodal (wireline to wireless) local number portability (LNP) and LNP to interconnected Voice over Internet Protocol (VoIP) providers. ITC has requested immediate suspension of these obligations.

2. On February 29, 2008, MCC Telephony of the Midwest, Inc., d/b/a Mediacom (Mediacom) filed a Petition to Intervene. Mediacom states that it is a “certified telecommunications carrier under the jurisdiction of the Commission, providing/seeking to provide competitive local exchange service and long distance service throughout the state in both rural and non-rural local exchanges.” Mediacom Petition at page 1, para. 1. Mediacom alleges that as a “local exchange carrier any action by the Commission dealing with local number portability, if too broadly fashioned, will potentially have a direct financial impact upon Mediacom and its ability to do business in the state.” Mediacom Petition at page 1, para. 3.

3. ITC objects to allowing Mediacom to intervene. In its Order dated February 6, 2007, in Docket TC06-181, the Commission found that a proceeding involving a petition for suspension or modification of Section 251(b) requirements is a contested case. The standard for intervention in a contested case is set forth in the statutes of the State of South Dakota as well as the Administrative Rules of South Dakota.

Specifically, SDCL § 1-26-17.1 states:

A person who is not an original party to a contested case and whose pecuniary interest would be directly and immediately affected by the agency's order made upon the hearing may become a party to the hearing by intervention, if timely application therefore is made.

The South Dakota Public Utilities Commission has adopted Administrative Rules that generally address petitions to intervene. ARSD § 20:10:01:15:05 sets forth what a Petitioner filing for intervention must show:

That the petitioner is specifically deemed by statute to be interested in the matter involved, that the petitioner is specially declared by statute to be an interested party to the proceeding, or that by the outcome of the proceeding the petitioner will be bound and affected either favorably or adversely with respect to an interest peculiar to the petitioner as distinguished from an interest common to the public or to the taxpayers in general.

Under either standard, Sprint has failed to meet the standards to be allowed to intervene.

5. ITC's Petition, on its face, is limited to its obligation in connection with the provisioning of LNP to wireless telecommunications carriers and interconnected VoIP providers. Mediacom alleges that it is a telecommunications carrier providing competitive local exchange service and long distance service. In fact, Mediacom has a petition pending before the Commission in which it requests certification to provide competitive local exchange service in ITC's service area. On its face, ITC's Petition does

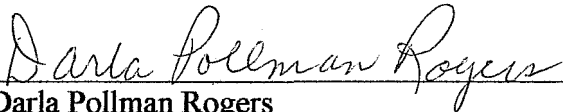
not impact or affect any obligation to provide LNP to Mediacom as a non-wireless telecommunications carrier. Accordingly, Mediacom will not be “bound and affected either favorably or adversely with respect to an interest peculiar to the Petitioner as distinguished from an interest common to the public or to the taxpayers in general.”

6. Further, Mediacom does not demonstrate any pecuniary interest and has no pecuniary interest that would be directly and immediately affected by any decision made in this case and, therefore, Sprint should not be allowed to intervene.

WHEREFORE, ITC respectfully requests that the Petition to Intervene of Sprint be denied.

DATED this 21<sup>st</sup> day of March, 2008.

**INTERSTATE TELECOMMUNICATIONS  
COOPERATIVE, INC.**



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