



South Dakota Telecommunications Association
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South Dakota Telecommunications Association

June 17, 2008

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

RE: Docket TC08-089, Appl. Of Clertech.Com, Inc. for a Certification of Authority to
Provide Local Exchange Services in South Dakota

Dear Ms. Van Gerpen:

Enclosed for filing in the above referenced docket you will find the electronic original of a
"SDTA Petition to Intervene."

As is evidenced by the Certificate of Service attached to the Petition, service has been made to
the representative of Clertech.Com.

Thank you for your assistance in filing and distributing copies of this Petition.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. D. Coit", is written over a faint, larger version of the SDTA logo.

Richard D. Coit
SDTA Executive Director and General Counsel

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

**IN THE MATTER OF THE APPLICATION OF)
CLERTECH.COM, INC. FOR A CERTIFICATE)
OF AUTHORITY TO PROVIDE LOCAL EXCHANGE) Docket No. TC08-089
SERVICES IN SOUTH DAKOTA)**

SDTA Petition to Intervene

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. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota.

2. On or about June 2, 2007, "Clertech.Com, Inc.," hereinafter referred to as "Clertech" filed an Application with the Commission seeking a "license" or authorization to provide local exchange service throughout South Dakota.

3. The Application, as filed, indicates that Clertech may be seeking statewide certification as a competitive local exchange carrier. There are, however, various contradicting statements in the Application making it far from clear what geographic areas in South Dakota are in fact covered by the Application. The first paragraph of the Application indicates that it is being filed with the "Michigan Public Service Commission" and also requests a license to provide services "throughout the state of South Dakota." Later in the Application, it is indicated that the "rural companies" or "markets" covered by the filing are identified in "item 8." A review of paragraph 8, however, offers no help. That paragraph does not include any listing of

the exchange or service areas to be covered, but again only indicates that the services will be offered throughout the state of South Dakota. The Application contains other confusing statements concerning the geographic area to be served. Paragraph 9 states that the “Applicant will provide service to and from all points within the state of Michigan and exchange service areas presently served by Qwest Michigan and any other carrier that are open to competition.”

4. There are other contrary statements in the Application and these make it impossible to tell how Clertech will provide its competitive local exchange services in South Dakota. The company states in paragraph 8.b. that it does “not anticipate the need for either resale or unbundled network elements.” In the very next paragraph, the company states that it is a “switchless, non-facilities-based local exchange resale carrier,” and that “[a]ll network services will be supplied by Bellsouth/Qwest.” (See paragraph 8.c.). In paragraph 8.d. thereafter, it is further stated that the “Applicant plans to offer services on a resold basis or with UNE loops.”

5. If Clertech is actually seeking a statewide certificate of authority for local exchange telecommunications services, the provisions of SDCL § 49-31-70 and ARSD 20:10:32:04 are applicable and require that notice of the application be provided to other, already certified local exchange carriers. No indication is given by the Application as to whether Clertech has provided this required notice.

6. All of the SDTA member companies operate as “rural telephone companies” for purposes of the Federal Telecommunications Act of 1996 and also the state laws enacted in 1998 addressing local exchange competition (SDCL § 39-31-69, et. seq.).

7. Assuming the Application filed by Clertech seeks a statewide certificate of authority for local exchange services, clearly all of the SDTA member local exchange carriers (LECs) have an interest in and stand to be impacted by this proceeding. SDTA seeks intervention herein based on the individual interests of each of its member LECs and based on their common interests to ensure that the rural safeguard provisions contained in the state statutes and within the Commission's administrative rules are properly applied. With respect to the Application of Clertech, SDTA has a number of concerns.

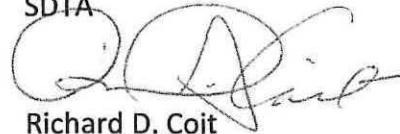
8. SDTA first believes that the Application, insofar as it relates to certification for local exchange services, is deficient for failing to provide all of the information required by the Commission's administrative rules. As noted above, the Application is replete with inconsistent statements making it difficult, if not impossible, to tell either where or how Clertech intends to provide its local exchange services. In addition, there is nothing in the application related to the additional service obligations imposed on local service providers in rural service areas pursuant to SDCL § 49-31-73 and ARSD §§ 20:10:32:15 thru 20:10:32:17. Before granting Clertech a certificate of authority for local exchange services extending to any rural service area, the Commission must insist on compliance with these additional service obligations, or in the alternative, Clertech must follow the waiver process prescribed under both the state statutes and in the Commission's rules. This waiver process requires a finding by the Commission that the waiver would not "adversely impact universal service, that quality of services would be continued, and that it would otherwise be in the public interest." SDCL § 49-31-73. Under § 20:10:32:18 of the Commission's administrative rules, Clertech as the applicant company, has the burden to prove that granting it a waiver of the ETC service obligations would be consistent with these standards.

9. Based on all of the foregoing, SDTA alleges that it is an interested party in this matter and would seek intervening party status

Dated this 17th day of June, 2008.

Respectfully submitted:

SDTA

A handwritten signature in black ink, appearing to read "Richard D. Coit", written over the printed name.

Richard D. Coit

Executive Director and General Counsel

CERTIFICATE OF SERVICE

I hereby certify that an original of the Petition to Intervention, dated June 17th, 2008, filed in PUC Docket TC08-089 was served upon the PUC electronically, directed to the attention of:

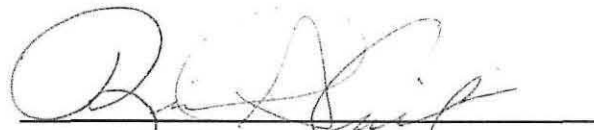
Ms. Patty Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

A copy was also sent by e-mail and US Postal Service First Class mail to each of the following individuals:

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Dated this 17th day of June, 2008.



Richard D. Coit, General Counsel
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