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August 28, 2009

Ms. Patricia Van Gerpen
Public Utilities Commission
500 E. Capitol Ave
Pierre, SD 57501

Re: In the Matter of the Application of WideVoice Communications, Inc, for a
Certificate of Authority to Provide Local Exchange Services (TC09-083)

Dear Ms. Van Gerpen,

Enclosed herewith for filing please find Midstate Communications and Midstate Telecom
Inc. Petition to Intervene.

By copy of this letter I am providing electronic copies to the parties involved.

Sincerely yours,

RITER, ROGERS, WATTIER, &
NORTHTRUP, LLP

By: *Darla Pollman Rogers*
Darla Pollman Rogers

DPR/ed
Enclosure

Cc: All interested parties

Robert C. Riter, Jr.
Darla Pollman Rogers

Jerry L. Wattier
Margo D. Northrup

Lindsey Riter-Rapp, Associate
Robert D. Hofer, Of Counsel

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

IN THE MATTER OF THE APPLICATION)
OF WIDEVOICE)
TELECOMMUNICATIONS, INC) DOCKET NO. TC09-083
FOR A CERTIFICATE OF AUTHORITY)
TO PROVIDE LOCAL EXCHANGE)
SERVICE

**MIDSTATE COMMUNICATIONS
MIDSTATE TELECOM, INC.**

PETITION TO INTERVENE

Midstate Communications (Midstate) and Midstate Telecom, Inc. (Midstate Telecom)(collectively referred to as Petitioners), hereby petition to intervene as parties in this matter pursuant to SDCL 1-26-17.1 and ARSD 20:10:01:15.02, 20:10:01:15.03, 20:10:01:15.05, and 20:10:32:04. In support of this Petition, Petitioners state as follows:

1. In its Petition, WideVoice Communications, Inc. (WideVoice) requests authority to operate as a provider of facilities-based and resale local exchange telecommunications services in eligible interconnection areas in South Dakota as well as authority to offer interexchange interLATA and intraLATA services, statewide, which may include Petitioners' service areas.

2. WideVoice's application is unclear as to where it will be offering service. In the introductory paragraph of the Application, WideVoice seeks "a Certificate of Public Convenience and Necessity¹ for authority to operate as a provider of facilities-based and resale local exchange services in eligible interconnection areas in South Dakota, Qwest's incumbent local exchange areas." It is not clear to Petitioner what

¹ South Dakota statutes and rules require "each telecommunications company that plans to offer or provide interexchange telecommunications service" or local exchange service to submit an application for a *certificate of authority* (See SDCL 49-31-3, ARSD 20:10:32:02 and 20:10:24:02 (emphasis added)).

“eligible interconnection areas” includes, and whether the reference to Qwest’s local exchange areas modifies or defines eligible interconnection areas.

3. In Paragraph I, WideVoice states that it “initially plans to offer service in all Qwest exchange areas served by the incumbent local exchange carriers” (emphasis added). Petitioners are unclear as to what areas that entails.

4. In Paragraph I(1), WideVoice proposes to offer services “by purchasing unbundled network elements from incumbent local exchange carriers,” and that WideVoice will “collocate in incumbent local exchange carriers’ central offices and/or carrier hotels.” Pursuant to the opening paragraph of the Application, this would appear to be in Qwest exchanges, but the references in this paragraph are to “incumbent local exchange carriers.”

5. In Paragraph IV of the Application, it is alleged that WideVoice “will be providing services in all areas served by incumbent local exchange carriers that are required by the Telecommunications Act of 1996 to interconnect their networks with competitive local exchange carriers.” That would include Petitioners, but later in that same paragraph, WideVoice again refers to “all areas served by incumbent Qwest.”

6. Midstate is a rural incumbent local exchange carrier that holds a certificate of authority to provide local exchange service in, among other areas, the Kimball and Ft. Randall exchanges. Midstate has been contacted by WideVoice to establish a meet point in Ft. Thompson, pursuant to the terms and conditions of an Interconnection Agreement between Midstate and Native American Telecom. Accordingly, WideVoice, through its arrangements with Native American Telecom, intends to provide local exchange service in at least a portion of Midstate’s service territory.

7. Midstate Telecom is a wholly-owned subsidiary of Midstate. Midstate Telecom has a certificate of authority and provides competitive local exchange services in Chamberlain, which is a Qwest service area.

8. Midstate and Midstate Telecom, by this petition, request intervening party status in this proceeding.

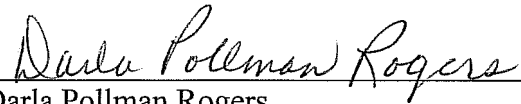
9. ARSD 20:10:32:04 provides that the Commission “shall, upon request, grant each of the already certified telecommunications companies intervener status in any commission proceeding held on the application”. While the application is not entirely clear on its face, Midstate and Midstate Telecom both appear to fall within the requirements of intervenor status pursuant to this rule.

10. In addition, because WideVoice’s Petition seeks certification for local exchange services within part or all of Petitioners’ service territories, Petitioners have an interest in and may be impacted by this proceeding.

11. Based on the foregoing, Petitioners are interested parties in this matter entitled to intervening party status.

WHEREFORE, Petitioners request that the Commission grant this Petition and allow Midstate and Midstate Telecom to intervene and be granted party status in this proceeding.

Dated this twenty-eighth day of August, 2009.

A handwritten signature in cursive script that reads "Darla Pollman Rogers". The signature is written in black ink and is positioned above a horizontal line.

Darla Pollman Rogers

Margo D. Northrup

Riter, Rogers, Wattier & Northrup, LLP

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Attorneys for Midstate Communications and
Midstate Telecom, Inc.

CERTIFICATE OF SERVICE

I hereby certify that an original Petition to Intervene of MIDSTATE COMMUNICATIONS and MIDSTATE TELECOM, INC., filed in Docket No. TC09-083, was served upon the PUC electronically, directed to the attention of:

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


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

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Dated this twenty-eighth day of August, 2009.



Darla Pollman Rogers
Margo D. Northrup