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October 19, 2009

Kara Semmler
South Dakota 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. Semmler:

I am writing this letter on behalf of the Intervenors in the above-referenced matter. The Intervenors still have concerns in reference to the pending Certificate of Authority application filed by WideVoice Communications Inc. (WideVoice).

WideVoice has indicated in its Application that it initially plans to offer services in all Qwest exchanges served by the incumbent local exchange carriers. WideVoice confirmed this affirmation to Staff in Data Requests dated September 3, 2009. However, contrary to these statements, WideVoice provided an Access Service Request (ASR) to Midstate Communications, Inc. on September 24, 2009 to establish a Point of Presence (POP) in Ft. Thompson, SD, a rural service area. In fact, this ASR has already been fulfilled and at this time, WideVoice, as the entity requesting the access service, operates as a carrier with a POP within the Ft. Thompson exchange.

Further, Intervenors have information indicating that some sort of service relationship exists between WideVoice and Native American Telephone, which in September of 2008 had initially filed for certification as a local exchange carrier to provide services on the Crow Creek Indian Reservation, including within areas served by Midstate Communications, Inc. and Venture Communications Cooperative. Intervenors are now concerned that effectively a joint provisioning arrangement exists between WideVoice and Native American Telephone for the purpose of providing telecommunications services to customers located within a rural telephone company service area.

Intervenors will appear at the Commission hearing tomorrow to urge the Commission to schedule an evidentiary hearing in accordance with SDCL 49-31-72. Intervenors believe the Commission currently does not have enough information to grant the Certificate of Authority as requested.

Robert C. Riter, Jr.
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Jerry L. Wattier
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Lindsey Riter-Rapp, Associate
Robert D. Hofer, Of Counsel

Sincerely yours,

RITER, ROGERS, WATTIER, &
NORTHROP, LLP

By: 
Darla Pollman Rogers

DPR/bp
Enclosure

Cc: All interested parties