



South Dakota Telecommunications Association

**South Dakota Telecommunications Association**

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May 20, 2010

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

RE: Docket TC10-026 , In the Matter of the Complaint filed by Sprint Communications Company, LP Against Native American Telecom, LLC Regarding Telecommunications Services

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 on other parties to the docket.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Coit", written over a horizontal line.

Richard D. Coit  
SDTA Executive Director and General Counsel



certification to provide competitive local exchange services within the Pine Ridge and Crow Creek Reservation areas. SDTA was granted intervening party status in each of these dockets, but ultimately the Commission allowed NAT to voluntarily withdraw the applications for certification without prejudice and the dockets were closed without further action. In regards to the application filed by NAT in Docket TC08-109 (involving services on the Pine Ridge Reservation), it was dismissed on the basis of a Motion to Dismiss filed by NAT on or about February 19, 2009. In that Motion, NAT indicated that it was in the process of re-evaluating its decision to “go forward in providing services in the Pine Ridge Reservation” and requested dismissal because it was anticipated that the “determination of whether to go forward may take several months.”<sup>1</sup> In regards to the application filed by NAT in Docket TC08-110 (involving services on the Crow Creek Reservation), NAT filed a Motion to Dismiss with the Commission on December 1, 2008. In that Motion, NAT requested dismissal of its application for certification based on an Order of the Crow Creek Utility Authority authorizing NAT to provide local exchange and other telecommunications services and, further, based on claims that NAT’s local exchange and other telecommunications services would be provided within reservation boundaries and would be limited to the provisioning of service to Crow Creek tribal members. On February 5, 2009, this Commission issued an Order finding that “Native American’s motion to voluntarily dismiss its application for a certificate of authority, without prejudice, is reasonable and not contrary to the public interest. The docket was officially closed.

4. The Complaint filed in this matter by Sprint raises questions as to whether NAT has in fact appropriately limited its telecommunications service offerings to areas within the Crow

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<sup>1</sup> It should be noted that this referenced determination by NAT has, apparently, now been made and NAT appears to be in at least the process of extending its services to the Pine Ridge Reservation. NAT recently completed an interconnection agreement with Golden West Telecommunications Cooperative, Inc. which was filed with the Commission on February 11, 2010, and subsequently approved by a Commission “Order Approving Agreement, issued on March 26<sup>th</sup>, 2010.

Creek Indian Reservation and whether it remains appropriate for NAT to claim that as a telecommunications service provider operating in the State of South Dakota, it should continue to be regulated under the exclusive jurisdiction of the Crook Creek Utility Authority (or with respect to services NAT claims are to be provided within the Pine Ridge Reservation, continue to be regulated exclusively by the Oglala Sioux Tribe). Various jurisdictional and PUC authority issues are raised in the Complaint for resolution by this Commission and all of these issues are obviously of interest to and stand to affect numerous SDTA members.

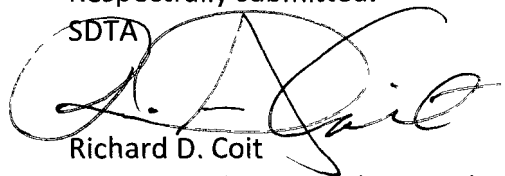
6. SDTA seeks intervention in this proceeding based on the interests of Midstate Communications and Venture Communications Cooperative (which operate as rural LECs on the Crow Creek Indian Reservation), Golden West Telecommunications Cooperative and Fort Randall Telephone Company (which operate as rural LECs on the Pine Ridge Reservation), and also the interests of other SDTA member companies that operate as incumbent local exchange carriers and “rural telephone companies” and which may be “bound and affected favorably or adversely” by decisions made in this proceeding. (See ARSD § 20:10:01:15.05).

7. 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 20th day of May, 2010.

Respectfully submitted:

SDTA



Richard D. Coit

Executive Director and General Counsel

CERTIFICATE OF SERVICE

I hereby certify that an original of the Petition to Intervention, dated May 20, 2010, filed in PUC Docket TC10-026 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/or US Postal Service First Class mail to each of the following individuals:

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