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May 21, 2010

Ms. Patty Van Gerpen, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
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 by electronic filing is original SDN Petition to Intervene with attached Certificate of Service. As indicated on the Certificate of Service, service has been made on the interested parties to this docket.

Thank you for your assistance.

Very truly yours,

RITER, ROGERS, WATTIER & NORTHRUP,
LLP

BY: 
Darla Pollman Rogers

DPR-wb

Enclosure

Cc: Interested Parties

Robert C. Riter, Jr.
Margo D. Northrup

Jerry L. Wattier
Lindsey Riter-Rapp

Darla Pollman Rogers
Robert D. Hofer, Of Counsel

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

IN THE MATTER OF THE COMPLAINT)
FILED BY SPRINT COMMUNICATIONS)
COMPANY, LP AGAINST NATIVE)
AMERICAN TELECOM, LLC) **Docket No. TC10-026**
REGARDING TELECOMMUNICATIONS)
SERVICES)

SDN Petition to Intervene

South Dakota Network, LLC (“SDN”) hereby petitions the Commission for intervention in the above captioned proceeding pursuant to SDCL 1-16-17.1 and ARSD §§ 20:10:01:15.02, 20:10:01:15.03 and 10:10:01:15.05. In support thereof, SDN states as follows:

1. SDN is a limited liability company with its principal place of business at 2900 West 10th Street, Sioux Falls, South Dakota 57104. SDN provides various telecommunications services, including but not limited to centralized equal access services (“CEAS”), lease of facilities to various interexchange carriers, and transport services.
2. On May 4, 2010, Sprint Communications Company, LP (“Sprint”) filed a complaint before this Commission against Native American Telecom, LLC (“NAT”). Sprint’s Complaint disputes certain switched access charges being assessed by NAT to Sprint. In the context of disputing such charges, Sprint raises certain tribal and State jurisdictional issues related to the regulation of both interstate and intrastate interexchange services provided within South Dakota.
3. In previous dockets, (TC08-109 and TC08-110), NAT applied to this Commission for a Certificate of Authority to provide competitive local exchange services

within the Pine Ridge and Crow Creek Indian Reservation areas. Both dockets were dismissed by the Commission without prejudice, pursuant to Motions filed by NAT, based upon Orders of the respective tribal utility authorities authorizing NAT to provide local exchange and other telecommunications services, and further, based on assertions by NAT that NAT's services would be provided within reservation boundaries and to tribal members.

4. Also previously, in Docket No. TC09-098, SDN filed a Complaint against Sprint alleging that Sprint ordered, used, and benefited from intrastate and interstate CEAS from SDN, based upon the rates and conditions established in SDN's tariff, but Sprint failed to pay for CEAS for the months of April 2009 to the present. Sprint reference this litigation in Paragraph 13 of its Amended Complaint against NAT.

5. Recently in Docket TC09-098, the parties stipulated that SDN will amend its Complaint to include recent additional disputed CEAS invoices by Sprint, and these more recent additional disputes involve the interstate and intrastate switched access traffic of NAT.

6. SDN seeks intervention in this proceeding not only because the Commission's decisions regarding the broader jurisdictional and Commission authority issues over switched access traffic will affect SDN and its member companies, but also because the Commission's decision in this docket will directly impact SDN's interests in Docket TC09-098.

7. Based on all of the foregoing, SDN is an interested party in this matter and seeks intervening party status.

Dated this 21st day of May, 2010.

By: *Darla Pollman Rogers*

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Sioux Falls, SD 57104

Attorneys for SDN

CERTIFICATE OF SERVICE

I, Darla Pollman Rogers, certify that the original SDN Petition to Intervene, dated May 21, 2010, filed in PUC Docket TC 10-026, 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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