

BEFORE THE PUBLIC UTILITIES
COMMISSION OF THE STATE OF
SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT) DOCKET NO. TC10-096
OF MIDCONTINENT COMMUNICATIONS,)
KNOLOGY OF THE PLAINS, INC., AND)
KNOLOGY OF THE BLACK HILLS, LLC,) PETITION TO
AGAINST MCI COMMUNICATIONS) INTERVENE
SERVICES, INC. D/B/A VERIZON)
BUSINESS SERVICES FOR UNPAID)
ACCESS CHARGES)

PETITION TO INTERVENE

South Dakota Network, LLC, (SDN), South Dakota Telecommunications Association (SDTA), and Local Exchange Carriers Association (LECA) (Petitioners) hereby jointly petition the South Dakota Public Utilities Commission, (Commission) for intervention in the above captioned proceeding.

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, lease of facilities to various interexchange carriers and transport services. SDTA is an incorporated organization representing the interests of its members, which includes cooperatives, independent and municipal telephone companies that provide local exchange services, including interexchange access services, throughout the State of South Dakota. LECA is an organization consisting of local telephone companies. It is a voluntary access cost and revenue pooling organization for many of the local exchange carriers (LECs) in South Dakota. LECA has a valid switched access tariff on file with the Commission and its member LECs provide originating and terminating switched access services to long distance companies pursuant to this tariff.

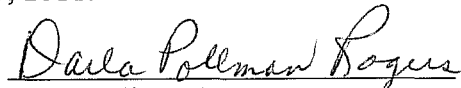
2. On October 27, 2010, the Commission received a complaint from Midcontinent Communications, Knology of the Plains, Inc., and Knology of the Black Hills, LLC (Complainants) against MCI Communications Services, Inc. d/b/a Verizon Business Services (Verizon) for unpaid access charges. The Complainants allege that Verizon has arbitrarily ceased paying for intrastate access services that were provided to Verizon by Complainants and billed pursuant to Commission approved tariffs. Verizon withheld payment based on Verizon's argument that the unpaid amounts are linked to IP-originated and IP-terminated traffic and Verizon does not believe these items are subject to intrastate switched access tariff charges. The Complainants disagree, arguing traffic is undistinguishable and subject to switched access charges.

3. The LECs that participate as members of SDTA and/or LECA provide originating and terminating switched access services to long distance companies pursuant to switched access tariffs filed with this Commission. SDN provides originating and terminating centralized equal access (CEA) services to long distance companies pursuant to a tariff filed with this Commission. The pecuniary interests of the petitioning parties will clearly be affected by the outcome of this docket because SDN and all of the member companies of SDTA and LECA provide both originating and terminating access services and, accepting Verizon's allegations at face value, all could currently be handling within their telecommunications networks IP-based traffic. Further, SDN and the member companies of SDTA and LECA are very concerned and are increasingly being negatively affected by IXCs that are not adhering to valid tariffs and unilaterally and arbitrarily are refusing to pay legitimate carrier access billings (CABs). Unquestionably, Petitioners have the potential to be "bound and affected favorably or adversely" by any Commission decisions made in this proceeding. (See ARSD § 20:10:01:15.05)

4. The Intervention date in this docket was November 18, 2010. Although this Petition is late filed, under ARSD 20:10:01:15.02 “petition to intervene which is not timely filed...may be granted...if granting the intervention will not unduly prejudice the rights of other parties to the proceeding or if denial of the petition is shown to be detrimental to the public interest.” There is currently no procedural schedule in place and it appears discovery has not commenced and therefore there is no prejudice to any party. Petitioners do not intend to cause any undue delay in this matter and do not plan to participate in discovery. Petitioners merely wish to provide input on the important legal and policy issues involved in this docket.

WHEREFORE, based on the foregoing, each of the Petitioners are interested parties in this matter and should be permitted to intervene and participate in the proceeding .

Dated this 14th day of January, 2011.



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CERTIFICATE OF SERVICE

The undersigned, attorney for Petitioners, hereby certifies that a true and correct copy of this Petition to Intervene was served on this 14th day of January, 2011, upon:

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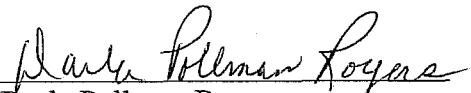
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