

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING BY
AVENTURE COMMUNICATIONS
TECHNOLOGY, LLC dba AVENTURE
COMMUNICATIONS FOR APPROVAL OF
ITS SWITCHED ACCESS SERVICES
TARIFF NO 3

DOCKET NO. TC11-010

**MIDCONTINENT COMMUNICATIONS'
PETITION TO INTERVENE**

COMES NOW Midcontinent Communications ("Midcontinent") and files this Petition to Intervene in the above captioned docket. For its Petition, Midcontinent states:

1. Midcontinent petitions to intervene in the above captioned docket pursuant to ARSD 20:10:01:15.02.
2. Midcontinent is a competitive local exchange carrier which competes across the state with various other CLECs as well as with incumbent carriers. Midcontinent has an interest in this proceeding because it has a keen interest in robust and fair competition throughout the state.
3. As set forth in Qwest's Petition to Intervene, Aventure's proposed tariff seeks to authorize traffic pumping, a practice of particular concern to Midcontinent as a telecommunications carrier in this state. The Aventure tariff is largely identical to the proposed tariff Aventure filed in Iowa, which the Iowa Utilities Board suspended while it investigates Aventure's traffic pumping activities.¹

¹ See, *In re Aventure Communication Technology, LLC*, Docket No. TF-2010-0087, Order of August 10, 2010 (Iowa Utilities Board) at 5-6 (suspending Aventure's proposed intrastate tariff and establishing procedural schedule for objections to the same). Aventure withdrew and replaced with a 2011 proposed tariff. See *In re Aventure Communications Technology, LLC*,

4. Traffic pumping, if allowed to exist, will have a tendency to drive up the cost of underlying interexchange carrier rates and ultimately, rates charged to consumers.
5. As such, the outcome of this proceeding will have a direct impact on the business interest of Midcontinent. Midcontinent has a business interest peculiar to its status as a telecommunications carrier competing against other carriers in the marketplace and its status as a telecommunications carrier subject to the rates of the interexchange carriers doing business in this state. Midcontinent therefore qualifies for intervention pursuant to ARSD 20:10:01:15.05, in that its interest is distinguishable from an interest common to the public or the taxpayers in general.

WHEREFORE, Midcontinent prays that the Commission grant its intervention in this docket.

Dated: April *HL* 2011

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& SMITH, LLP

By: 

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CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Midcontinent Communications, hereby certifies that a true and correct copy of the foregoing "Petition to Intervene" was filed electronically and served upon the following via email:

Ms. Patricia Van Gerpen
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Dated this 7th day of April, 2011.

A handwritten signature in black ink, appearing to read "Kara Semmler", written over a horizontal line.