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

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IN THE MATTER OF THE APPLICATION OF NEW CINGULAR WIRELESS PCS, LLC, A SUBSIDIARY OF AT&T MOBILITY LLC, FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN RURAL STUDY AREAS

Docket No. TC11-071

## NATIVE YES WE CAN FOUNDATION PETITION TO INTERVENE

Native Yes We Can Foundation ("Yes We Can"), a South Dakota nonprofit corporation organized under South Dakota law, hereby files this Petition to Intervene ("Petition"). In support of its Petition, Yes We Can states as follows:

1. Yes We Can petitions to intervene pursuant to SDCL 1-26-17.1 and ARSD

20:10:01:15.02, 20:10:01:15.03 and 20:10:01:15.05.

2. Yes We Can is a South Dakota nonprofit corporation with its principal place of business in Sioux Falls, South Dakota.

3. Yes We Can stated purpose "is to provide free computer access, Internet service, and educational and training services to Tribal members residing on Indian reservations, and may provide financial assistance, social and economic development assistance, and other services to Tribes and tribal members, as well as other services that are related to its purposes."

4. In its application for designation as an eligible telecommunications carrier ("ETC"), New Cingular Wireless PCS, LLC, a subsidiary of AT&T Mobility,

LLC ("AT&T") seeks designation as an ETC in rural areas of South Dakota, including Indian reservations.

5. Prior to granting an ETC designation, the Commission must undertake an analysis to determine if the application is consistent with the public interest, convenience and necessity." (ARSD § 20:10:32:43.07).

6. Part of the public interest determination will be the impact of the designation on Indian tribes and tribal members residing on and off reservation, including the availability of coverage and services, expanded Lifeline service.

7. Yes We Can, as a nonprofit corporation working with Indian reservations on social, economic, and business development, including access to basic and advanced communications services, has an interest in this docket and can provide a unique tribal interest perspective for the review to the AT&T ETC application.

8. Yes We Can is not taking a position on the AT&T ETC application at this time; however, Yes We Can recognizes the importance of competition in the marketplace and looks forward to its participation in this docket.

WHEREFORE, Yes We Can requests that its Petition to Intervene be granted.

Respectfully submitted,

<u>Gene DeJordy</u> Gene DeJordy Nativa Vas Wa Can Foundat

Native Yes We Can Foundation P.O. Box 901 Southport, CT 06890 Tel: 501-804-7797 E-Mail: Gene@NativeYesWeCan.com

Dated this 13th day of July 2011

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was

served electronically on the 13th day of July 2011 upon the following:

Executive DirectorRegional Vice President-External AffairsSD Public Utilities CommissionAT&T Comm. of the Midwest-PC/EC500 East Capitol Avenue, 1st FloorPierre, SD 57501-5070foots-773-3201; 866-757-6031 (fax)Pla685-7581wauneta.browne@att.comMs. Betsy GrangerStaff AttorneyGeneral AttorneySD Public Utilities CommissionAT&T Services, Inc.500 East Capitol Avenue, 1st FloorPierre, SD 57501-5070Pierre, SD 57501-5070San Ramon, CA 94583-5000605-773-3201; 866-757-6031 (fax)925-543-1551;kara.semmler@state.sd.usMs. Cynthia J. ManheimSuff AttorneyMs. Cynthia J. ManheimSD Public Utilities CommissionGeneral AttorneyS0 East Capitol Avenue, 1st FloorP.O. Box 97061Pierre, SD 57501-5070Redmond, WA 98073-9761605-773-3201; 866-757-6031 (fax)Hr. William M. Van Camp, Jr.Observer, SD 57501-5070Redmond, WA 98073-9761605-773-3201; 866-757-6031 (fax)Hr. William M. Van Camp, Jr.Chris.daugaard@state.sd.usMr. William M. Van Camp, Jr.Richard CoitMr. William M. Van Camp, Jr.Executive Director & General CounselMr. William M. Van Camp, Jr.Olinger, Lovald, McCahren &Reimers, P.C.117 East Capitol Ave., - P.O. Box 57Pierre, SD 57501-0066richcoit@sdtaonline.comHr. William M. van Camp, Jr.James CremerBantz, Gosch & Cremer, LLC305 Sixh Ave., SE - P.O. Box 970Aberdeen, SD 57402-0970Aberdeen, SD 57402-0970Gos-222-2232 <th></th> <th></th>		
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