

**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  
NON-RURAL AREAS

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**TC11-072**

**JAMES VALLEY WIRELESS, LLC'S  
PETITION TO INTERVENE**

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James Valley Wireless, LLC ("JVW"), a South Dakota limited liability company, hereby files this Petition to Intervene. In support of its Petition, JVW states as follows:

1. JVW 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. JVW is a South Dakota limited liability company with its principal place of business in Aberdeen, South Dakota. JVW was first designated as an Eligible Telecommunications Carrier (ETC) by this Commission on November 17, 2006 (TC06-077) and is a provider of cell phone service.
3. In this Application, New Cingular Wireless PCS, LLC, a subsidiary of AT&T Mobility, LLC (AT&T) seeks designation as an ETC in non-rural wire centers in South Dakota.
4. Prior to granting an ETC designation, this Commission is required to undertake an analysis to determine if the application is consistent with the public interest, convenience and necessity, including "the impact of multiple designations on the universal service fund." (ARSD § 20:10:32:43.07).
5. If AT&T's application is granted, it would be eligible for federal high cost

universal service support from the universal service fund (USF).

6. Federal high cost support for CETC's in South Dakota was capped in 2008 at approximately \$3,000,000 per month.

7. If AT&T's application is granted, it is likely the statewide cap would be exceeded, which would result in a reduction in high cost support for all existing South Dakota CETCs, including JVW.

8. JVW has a direct interest in this Commission's decision in this docket, and the companion docket **TC11-071** where AT&T seeks ETC designation in the 29 rural wire centers in South Dakota.

WHEREFORE, JVW requests that its Petition to Intervene be granted.

Dated this 1st day of July 2011.

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served electronically on the 1st day of July 2011 upon the following:

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