

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

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)
NONRURAL AREAS)

Docket No. TC11-072

**NATIVE YES WE CAN FOUNDATION COMMENTS ON
AT&T MOBILITY OPPOSITION TO PETITION TO INTERVENE**

Native Yes We Can Foundation (“Yes We Can”), a South Dakota nonprofit corporation organized under South Dakota law, hereby files these Comments on AT&T Mobility’s Opposition to Yes We Can’s Petition to Intervene in this docket. Yes We Can not only has a direct interest in this proceeding, but its participation in this proceeding will provide a critically important perspective for the Commission on universal service issues.

1. Yes We Can is working with several Native American on its stated purpose “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.”
2. For example, Yes We Can worked with the Bureau of Indian Affairs (“BIA”) to arrange funding for educational training for the Crow Creek Sioux Tribe and is continuing its work to secure the funding and implement these training programs.
3. As AT&T Mobility recognizes, 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).

4. However, contrary to AT&T Mobility's claims, tribal interests are, in some instances, different from the interests of the general public in this docket. For example, as a universal service provider, AT&T is required to make available an expanded Lifeline service offering specific to tribal lands, consistent with 47 C.F.R. § 54.403. In addition, tribal areas have unique coverage, service availability, and other public interest considerations.

5. As stated in its Petition to Intervene, Yes We Can is not taking a position on AT&T Mobility's application at this time, but would appreciate the opportunity to participate in this proceeding to assist the Commission in its consideration of the application, which seeks to serve tribal areas.

Respectfully submitted,

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Dated this 26th 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 26th day of July 2011 upon the following:

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