

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE PETITION OF
MIDSTATE TELECOM FOR APPROVAL
OF ITS COST BASED SWITCHED ACCESS
RATES AND FOR A PHASE-IN

DOCKET NO. TC11-075

**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, including Midstate Telecom (Midstate) in the Chamberlain, SD area. Midcontinent has an interest in this proceeding because of the importance of robust and fair competition throughout the state.
3. ARSD § 20:10:27:02.01 requires all CLECs to implement rates that mirror the rates of the Regional Bell Operating Company in the state. This rule took effect on May 30, 2011. At the time the rule took effect, Midcontinent was already charging rates that mirrored the Qwest rates, while Midstate was charging almost double the Qwest rate.
4. Midstate seeks an exception to the requirement to implement conforming rates and states that its cost study justifies a rate higher than it is currently charging, but fails to disclose in its petition the rate it contends is justified. Midstate also seeks authority to "phase in" the rates required by ARSD § 20:10:27:02.01 while the Commission

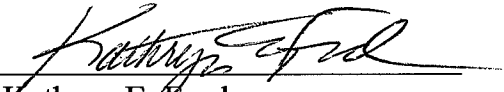
considers the cost study. As such, the outcome of this proceeding will have a direct impact on the business interest of Midcontinent. Midcontinent has a business interest peculiar to its status as a telecommunications carrier competing against other carriers in the marketplace, including Midstate, and 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: June 28th, 2011

DAVENPORT EVANS HURWITZ
& SMITH, LLP

By: 
Kathryn E. Ford
206 West 14th Street
P.O. Box 1030
Sioux Falls, SD 57104
605-357-1246 (telephone)
605-251-2605 (facsimile)
E-mail: kford@dehs.com
Attorneys for Midcontinent

CERTIFICATE OF SERVICE

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

Ms. Patricia Van Gerpen
Patty.vangerpen@state.sd.us

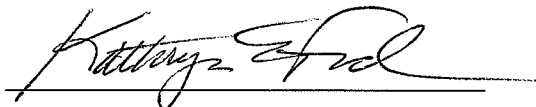
Ms. Karen E. Cremer
Karen.cremer@state.sd.us

Mr. Brian Rounds
Brian.Rounds@state.sd.us

Ms. Darla Pollman Rogers
dprogers@riterlaw.com

Mr. Brett Koenecke
koenecke@magt.com

Dated this 28th day of June, 2011.

A handwritten signature in cursive script, appearing to read "Kattory, Fred", written over a horizontal line.