

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

IN THE MATTER OF THE APPLICATION OF)	
WIMACTEL, INC. FOR A CERTIFICATE)	
OF AUTHORITY TO PROVIDE INTEREXCHANGE)	Docket No. TC11-001
LONG DISTANCE SERVICES AND LOCAL)	
EXCHANGE SERVICES IN SOUTH DAKOTA)	

SDTA Petition to Intervene

The South Dakota Telecommunications Association ("SDTA") hereby petitions the Commission for intervention in the above captioned proceeding 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. In support hereof, SDTA states as follows:

1. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota.

2. On or about January 3, 2011, WiMacTel, Inc., hereinafter referred to as ("WiMacTel") filed a document with the Commission entitled "Registration of WiMacTel, Inc." which includes requests for a certificate of authority to provide interexchange long distance services and also a certificate of authority to provide local exchange services.

3. SDTA seeks intervention in this proceeding involving WiMacTel because the "Registration"/application as filed contains conflicting statements as to whether WiMacTel's request for local exchange service authority does, or does not extend, to any of the service areas of SDTA's rural telephone company members. While WiMacTel states in paragraph 16 of its filing that it "is not seeking authority to provide local exchange service in the service area of rural telephone companies," it goes on to state in the same paragraph that "[t]he Company

may, upon receipt of a request [for] service from a prospective customer, enter into interconnection and/or commercial agreements with a rural telephone company.” In addition, paragraph 8 states that “[t]he Company is seeking authority statewide,” and in paragraph 10 it is stated that WiMacTel will enter into resale, interconnection and commercial agreements with Qwest and other certificated LECs.” These statements and others result in an application that is ambiguous as to whether WiMacTel is currently seeking authorization to provide competitive local exchange services in rural telephone company service areas.

4. If WiMacTel is seeking statewide certification for local exchange telecommunications services, the provisions of SDCL § 49-31-70 and ARSD § 20:10:32:04 are applicable and require that notice of the application be provided to other, already certified local exchange carriers. No indication is given by the Application as to whether WiMacTel has given this notice.

5. All of the SDTA member companies operate as “rural telephone companies” for purposes of the Federal Telecommunications Act of 1996 and also the state laws enacted in 1998 addressing local exchange competition (SDCL § 39-31-69, et. seq.). If the application filed by WiMacTel seeks a statewide certificate of authority for local exchange services, clearly all of the SDTA member local exchange carriers (LECs) have an interest in and stand to be impacted by this proceeding. SDTA seeks intervention herein based on the individual interests of each of its member LECs and based on their common interests to ensure that the rural safeguard provisions contained in the state statutes and within the Commission’s administrative rules are properly applied.

6. If the application seeks local service authority in any rural telephone company service areas, it is deficient for failing to provide all of the information required by the Commission’s administrative rules. Most importantly, there is inadequate information related to the additional service obligations imposed on local service providers in rural service areas pursuant

to SDCL § 49-31-73 and ARSD §§ 20:10:32:15 thru 20:10:32:17. Before granting WiMacTel any certificate of authority that would authorize it to extend its local exchange telecommunications services into any rural service area, the Commission must insist on compliance with these additional service obligations, or in the alternative, WiMacTel must follow the waiver process prescribed under both the state statutes and in the Commission's rules. This waiver process requires a finding by the Commission that the waiver would not "adversely impact universal service, that quality of services would be continued, and that it would otherwise be in the public interest." SDCL § 49-31-73. Under § 20:10:32:18 of the Commission's administrative rules, WiMacTel as the applicant company, has the burden to prove that granting it a waiver of the ETC service obligations would be consistent with these standards.

7. Based on all of the foregoing, SDTA alleges that it is an interested party in this matter and would seek intervening party status in this Docket.

Dated this 21st day of January, 2011.

Respectfully submitted:

SDTA



Richard D. Coit

Executive Director and General Counsel

CERTIFICATE OF SERVICE

I hereby certify that an original of the Petition to Intervention, dated January 21st, 2011, filed in PUC Docket TC10-001 was served upon the PUC electronically, directed to the attention of:

Ms. Patty Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

Also, a copy was sent by e-mail and/or US Postal Service First Class mail to each of the following individuals:

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Dated this 21st day of January, 2011



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