

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

In the Matter of the Joint Application of)
OrbitCom, Inc., Knology of the Plains, Inc.)
And Knology of the Black Hills, LLC for a)
Waiver of ARSD §§ 20:10:29:10,)
20:10:29:12 AND 20:10:29:16)

TC12-065
SPRINT'S
PETITION FOR INTERVENTION

COMES NOW, Sprint Communications Company, LP, (“Sprint”), by and through its counsel, and pursuant to ARSD § 20:10:01:15:02, files this Petition for Intervention, and in support thereof states as follows:

1. Sprint has its principal place of business at 6450 Sprint Parkway, Overland Park, Kansas 66251. Sprint is authorized to transact business in the State of South Dakota. Sprint is a provider of interexchange services (IXC), commercial mobile radio services (“CMRS”) and Competitive Local Exchange Carrier services (CLEC). As a provider doing business in South Dakota, Sprint is an interested party in this proceeding as any decision reached may impact Sprint’s filing obligations and revenues.

2. On May 29, 2012, OrbitCom, Inc. (“OrbitCom”), Knology of the Plains, Inc., and Knology of the Black Hills, LLC (collectively, “Knology”) filed an Application for Waiver (“Application”) requesting a waiver or suspension of ARSD Rules 20:10:29:10; 20:10:29:12, and 20:10:29:16. These rules require that intrastate per minute access charges be equal for originating and terminating traffic. Subsequently, Midcontinent Communications (“Midcontinent”) sought intervention status in order to join in OrbitCom’s and Knology’s Application and requesting similar relief.

3. The recent Federal Communications Commission (“FCC”) intercarrier compensation/ USF reform order discussed in OrbitCom’s and Knology’s Application focuses

mainly on terminating access charges and largely leaves open the question of transitional treatment of originating access charges. For this reason, a waiver of the above-mentioned sections seems appropriate in order to ensure that the treatment of intrastate originating access charges in South Dakota is not in conflict with any future treatment the FCC may adopt.

4. On June 13, 2012, AT&T Communications of the Midwest, Inc., (“AT&T”) filed a petition for intervention in the Application. As a preliminary matter, AT&T’s petition for intervention requests a determination by the Commission whether the waivers sought by OrbitCom, Knology, and Midcontinent are even necessary. If the Commission determines that such waivers are necessary, then AT&T requests similar waivers.

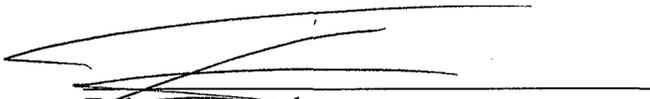
5. AT&T points out that ARSD 20:10:27:02.01 caps CLEC intrastate switched access rates at the Regional Bell Operating Company (“RBOC”) rate. AT&T notes further that ARSD 20:10:27:02 states that “[c]hapters 20:10:27 to 20:10:29, inclusive, establish rules for the determination of switched access charges for intrastate switched access services provided by each incumbent local exchange carrier operating in this state.” By its own terms, this section limits the applicability of chapters 20:10:27 to 20:10:29, inclusive, to “incumbent local exchange carriers.” Accordingly, it appears chapters 20:10:27 to 20:10:29, inclusive, are inapplicable or moot with respect to a CLEC such as Sprint that satisfies the requirement to cap its rates at the RBOC rate under ARSD 20:10:27:02.01.

WHEREFORE, Sprint respectfully requests that the Commission grant it status as an Intervenor to participate in this matter for the purpose of joining AT&T’s request that the South Dakota Public Utilities Commission determine that no waiver or suspension is needed from ARSD Sections 20:10:29:10; 20:10:29:12, and 20:10:29:16 for a CLEC that caps its rates at the RBOC rate under ARSD 20:10:27:02.01. Alternatively, should the Commission determine that a

waiver or suspension from such sections is required, Sprint requests intervention for the purpose of requesting such a waiver or suspension.

Dated this 8th day of June, 2012.

**SPRINT COMMUNICATIONS
COMPANY, LP**



Talbot Wiczorek
Gunderson, Palmer, Nelson & Ashmore, LLP
506 6th Street, Third Floor
P.O. Box 8045
Rapid City, South Dakota 57709
Phone: (605) 342-1078
Fax: (605) 342-0480
Email: tjw@gpnaalaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Sprint's Petition for Intervention (Docket TC12-065) was delivered electronically this 18th day of June, 2012, to the following:

Ms. Patricia Van Gerpen
Executive Director
SDPUC
500 E. Capitol Ave.
Pierre, SD 57501
patty.vangerpen@state.sd.us

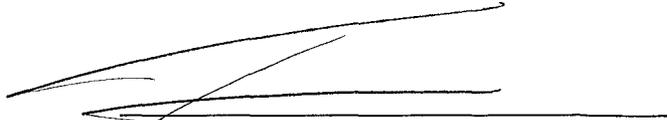
Ms. Karen E. Cremer
Staff Attorney
SDPUC
500 E. Capitol Ave.
Pierre, SD 57501
karen.cremer@state.sd.us

Mr. Dave Jacobsen
Staff Analyst
SDPUC
500 E. Capitol Ave.
Pierre, SD 57501
david.jacobsen@state.sd.us

Kathy Ford
Attorney at Law
P.O. Box 1030
Sioux Falls, SD 57101-1030
kford@dehs.com

William M. Van Camp
Olinger, Lovald, McCahren & Reimers, PC
P.O. Box 66, 117 E. Capitol
Pierre, SD 57501
bvancamp@olingerlaw.net

Meredith Moore
Cutler Law Firm
100 N Phillips Avenue, 9th Floor
Sioux Falls, SD 57104-6725
meredithm@cutlerlawfirm.com



Talbot J. Wiczorek