

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

**IN THE MATTER OF THE APPLICATION OF)
INTRADO COMMUNICATIONS, INC. FOR A)
CERTIFICATE OF AUTHORITY TO PROVIDE LOCAL) Docket No. TC14-02
EXCHANGE SERVICE WITHIN THE STATE OF)
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 February 20, 2014 Intrado Communications, Inc. (hereinafter referenced as "Intrado") filed an application with the Commission pursuant to ARSD § 20:10:32:03 seeking a certificate of authority to provide local exchange services.

3. In its Application, on pages 3 and 4, Intrado makes the following statements regarding its plans to provide services in South Dakota:

Par. 8(a) – "Applicant initially intends to provide 911 emergency services to government and quasi-government Public Safety Answering Points (PSAPs). Applicant may eventually provide other local exchange telecommunications services and interexchange telecommunications services." *Emphasis added.*

Par. 8(b) – "Applicant . . . will provide service through the use of its own facilities and, where appropriate, resold facilities."

Par. 8(c) – "Applicant has its own switching facilities located in other states and will lease transmission facilities as necessary from other authorized facilities providers in South Dakota. Applicant may in the future install switching facilities in South Dakota, but has not yet determined where those facilities will be located."

Par. 8(d) – “Applicant will provide 9-1-1 emergency services to government and quasi-government Public Safety Answering Points (PSAPs) and may also provide other local exchange telecommunications services and interexchange telecommunications services.” *Emphasis added.*

Par. 9 – “Applicant intends to offer its services throughout the State of South Dakota. . . .”

Par. 11 – “. . . Applicant will not be providing local access to customers. . . . Applicant’s proposed service does not involve providing customers with access to operator services, interexchange services, directory assistance or the other services referenced above. . . .” *Emphasis added.*

Par. 13(a) – “Applicant initially intends to interconnect with CenturyLink. Applicant may, upon request from a perspective customer, enter into interconnection and/or commercial agreements with other local exchange carriers. Applicant has no such requests at this time.” *Emphasis added.*

Par. 14 – “Applicant initially intends to provide 9-1-1 emergency services to government and quasi government PSAPs and may eventually provide other local exchange telecommunications services and interexchange telecommunications services in South Dakota pursuant to its COA. Applicant will market its 9-1-1 emergency services through its direct sales force.” *Emphasis added.*

Par. 15 - “Applicant may, upon request from a prospective customer, enter into interconnection and/or commercial agreements with a rural telephone company. Applicant has no such requests at this time and anticipates that any such requests would come from government or quasi-government PSAPs and not residential or business customers.” *Emphasis added.*

4. The above cited statements raise questions as to what specific local exchange will be offered and how Intrado would, throughout South Dakota, provision such services. In SDTA’s view the Application, as filed, does not warrant the granting of a broad certificate of authority covering all local exchange telecommunications services, throughout all areas of the State.

6. 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.). Given that the

Application filed by Intrado purports to cover the entire State of South Dakota, 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 ILECs and based on their common interests to ensure that the rural safeguard provisions contained in federal and state laws are properly considered and applied.

8. With respect to the Intrado Application, SDTA has the following specific concerns:

First, because the Application requests statewide authority, 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. There is reason to question whether this notice was provided to all rural local exchange carriers operating in the State. Intrado has not in its' Application indicated that it has complied with the requirement;

Secondly, various statements contained in the Application suggest that the request for "local exchange" service certification throughout all areas of the State, including all rural telephone company service areas is premature. It is clear that the company's near term plans are limited to providing certain services within Century Link's South Dakota service area and that its provisioning of local exchange services in rural service areas is merely an eventual possibility; and

Finally, Intrado notes that it will not provide "local access to customers," access to operator services, access to interexchange services, access to directory assistance, and, possibly, will not provide other services included in the list of minimum local exchange service obligations set forth in ARSD § 20:20:32:10. This statement not only raises questions as to type of local exchange services planned, but, in turn, raises concerns to the proper scope of, or terms that should be attached to any certificate of authority that is issued.

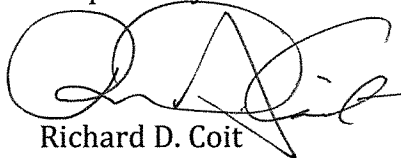
9. Without further information clarifying the type of services to be provided and where, in fact, those services will be provided, SDTA believes the additional service obligations imposed on competitive local exchange carriers entering rural service areas (found in SDCL § 49-31-73 and ARSD §§ 20:10:32:15 thru 20:10:32:17) must be viewed as

applicable and must be addressed. The application at this time does not include a request for a waiver of these rural safeguard provisions, as is permitted under ARSD § 20:10:32:18. Under these provisions, Intrado, before being granted a COA and a waiver of the additional ETC service obligations imposed in South Dakota's rural service areas would have to prove that granting such a waiver would "not adversely impact universal service," would not impair the "quality of service" and that it would otherwise be consistent with the "public interest."

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

Dated this 13th day of March, 2014.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Richard D. Coit', written over a horizontal line.

Richard D. Coit
Executive Director and General Counsel