

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

**IN THE MATTER OF THE APPLICATION OF )  
CROWN CASTLE NG CENTRAL LLC FOR A )  
CERTIFICATE OF AUTHORITY TO PROVIDE ) Docket No. TC14-081  
TELECOMMUNICATIONS SERVICES 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 September 25, 2014 Crown Castle NG Central LLC (hereinafter referenced as "Crown Castle") filed an application with the Commission, pursuant to the provisions of ARSD § 20:10:32:03, seeking authority to provide "Non-Switched Local Transport Services in the State of South Dakota." Crown Castle states in its Application that it intends to market these local transport services to "wireless providers and other sophisticated enterprise customers." It also indicates that it is requesting authority from the Commission to provide its services "throughout the state of South Dakota."

3. 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.).

4. SDTA files this Petition to Intervene under the assumption that Crown Castle, despite certain inconsistent statements in its Application, is in fact seeking statewide certification to provide “local exchange services.” Accepting this premise, 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. With respect to the filed Application of Crown Castle, SDTA has the following specific concerns.

5. The Application, as filed, gives rise to questions concerning the specific service authority or certification being requested by Crown Castle. The first paragraph of the Application indicates that it is being submitted in accordance with Section 20:10:32:03 of the Commission’s administrative rules. That rule section specifically addresses “application requirements” related to “a certificate of authority for local exchange service.” Elsewhere in its Application, however, Crown Castle states that it “does not propose to provide local exchange services” (P. 3, par. (8)c).

6. Crown Castle describes itself as “a short-haul, wireline based wholesaler” providing “non-switched local transport services to wireless providers and other sophisticated enterprise customers” (P. 3, par. 8 and P. 10, par. 23). The transport services are described as “RF transport services . . . used to transport voice and data communications between wireless capacity equipment (i.e. antennas) and hub facilities” (which can be customer or Crown Castle-provided) (P. 4, par. (8)d). As to these “short haul” transport services, insufficient information is provided to determine their span or reach into the public network and to reasonably determine whether or not they may be used in the provision of exchange access services. Further, the Application does not draw a

clear picture as to how network facility and telecommunications service responsibilities are divided between it, as a wholesale provider, and its carrier customers. The Application merely states that Crown Castle's proposed service offering "does not currently require interconnection with incumbent LECs," and that "[interconnection arrangements with LECs are generally made by Crown Castle's customers, which are the entities that ultimately serve end users" *Emphasis added* (P. 6, par. (13)a).

7. If Crown Castle is seeking statewide authority to offer local exchange 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. SDTA questions whether this notice has in fact been provided. Crown Castle has not indicated in its' application that it has complied with this requirement.

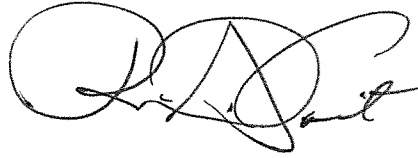
8. Crown Castle states that "it does not intend to serve residential or small business customers in the service area of any rural telephone company" and in regards to Crown Castle's transport service offerings, as described in its Application and "Proposed Initial Tariff," there is good reason to question whether they would in fact be deployed or provided in many rural telephone company service areas, generally, the higher cost, less populated areas of South Dakota.

9. In general, SDTA questions whether the Crown Castle Application warrants the granting of a broad certificate of authority covering all local exchange telecommunications services and all areas of South Dakota, including all rural telephone company service areas.

10. Based on all of the foregoing, SDTA is an interested party in this matter and seeks intervening party status.

Dated this ~~17<sup>th</sup>~~ day of October, 2014.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Richard D. Coit", written in a cursive style.

Richard D. Coit  
Executive Director and General Counsel