

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

**IN THE MATTER OF THE APPLICATION OF            )  
TALK AMERICA SERVICES, LLC FOR                )  
A CERTIFICATE OF AUTHORITY TO PROVIDE        )     Docket No. TC14-082  
LOCAL EXCHANGE SERVICES AND INTEREXCHANGE )  
LONG DISTANCE 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 September 25, 2014, Talk America Services, LLC (hereinafter referred to as "TAS") filed an Application for a Certificate of Authority with the Commission seeking authorization to provide "resold local exchange, interexchange and broadband telecommunications services to residential customers in South Dakota."

3. In regards to the request for local exchange service authority, TAS states that it "does not currently seek to offer service in the area of a rural telephone company" (par. 15) and also indicates that it will provides its local exchange, interexchange and broadband services by entering into a resale agreement with the "Windstream Companies" (par. 8). Despite these statements and others indicating that TAS only intends to provide local exchange services to those areas of South Dakota served by CenturyLink (formerly Qwest),

the company “seeks statewide authority so that it may expand into other service areas as market conditions warrant and as additional service areas become open to competition” (par. 9).

4. 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 TAS 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.

5. SDTA believes that the TAS Application, insofar as it relates to certification for local exchange services, specifically, is deficient for failing to provide all of the information required by the Commission’s administrative rules. Most importantly, there is nothing in the application 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 TAS any certificate of authority that would authorize it to extend its local telecommunications services into any rural service area, the Commission must insist on compliance with these additional service obligations, or in the alternative, TAS 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, TAS 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.

6. Secondly, various statements contained in the TAS Application suggest that the request for local exchange service authority 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 services in only Century Link's South Dakota service area and that its provisioning of local exchange services in rural service areas is merely an eventual possibility.

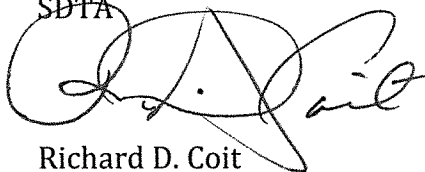
7. In regards to the timing of this filing by SDTA, even though the Petition to Intervene is late-filed (by 6 days), granting intervention would work no prejudice the rights of the Applicant and would certainly be consistent with protecting the public interest.

8. Based on all of the foregoing, SDTA alleges that it is an interested party in this Docket and requests intervening party status.

Dated this 23<sup>rd</sup> day of October, 2014.

Respectfully submitted:

SDTA

A handwritten signature in black ink, appearing to read "Richard D. Coit", written over a circular stamp or mark.

Richard D. Coit  
Executive Director and General Counsel