

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

**IN THE MATTER OF THE PETITION FOR)
A DECLARATORY RULING DETERMINING)
COMPETITIVE LOCAL EXCHANGE)
CARRIER PROCESSES FOR REQUESTING) TC18-013
9-1-1 TRAFFIC DELIVERY FROM RURAL)
LOCAL EXCHANGE CARRIERS)
)**

Petition to Intervene of NextGen Communications, Inc.

NextGen Communications, Inc. ("NextGen") hereby petitions the Public Utilities Commission of the State of South Dakota ("Commission") for intervention in the above captioned proceeding pursuant to SDCL 1-2617.1 and ARSD §§ 20:10:01:15.02, 20:10:01:15.03 and 20:10:01:15.05. In support hereof, NextGen states as follows:

1. NextGen is an incorporated organization duly registered in South Dakota.
2. On December 23, 2015, in file TC15-062, the Commission granted NextGen a Certificate of Authority to operate in South Dakota.
3. Effective December 18, 2014, NextGen was contracted by the Department of Public Safety to design and maintain a(n) 9-1-1/NG911 system for South Dakota, and has proceeded under this contract since that time.
4. On May 11, 2018, pursuant to ARSD 20:10:01:34, the South Dakota 911 Coordination Board ("Board"), which is administratively attached to the Department of Public Safety, petitioned the Commission to issue the instant declaratory ruling ("Petition").
5. In its Petition, the Board identifies matters that involve critical, unique, and material interest of NextGen such as 9-1-1 and related issues; "Does South Dakota law require bona fide requests as a prerequisite to determining if RLEC exemptions do or do not apply when a CLEC is requesting delivery of 9-1-1 traffic from an RLEC, assuming voluntary agreements are not feasible?"

6. NextGen was granted intervening party status by the Commission in the recently closed Docket TC17-063 involving the Board's prior Petition for Declaratory Ruling on this same topic. The same material interests that supported NextGen's intervention in these prior Commission proceedings support granting NextGen intervention in this current proceeding.

7. ARSD § 20:10:01:15.05 states that the Commission will grant an intervention petition if, ". . . by the outcome of the proceeding the petitioner will be bound and affected either favorably or adversely with respect to an interest peculiar to the petitioner . . ."

8. As evidenced by the Board's Petition, the outcome of this matter will directly and uniquely impact NexGen in satisfaction of the condition stated in ARSD § 20:10:01:15.05.

9. Based on the foregoing, NextGen alleges that it is an interested party in this matter and seeks intervening party status.

Dated this 1st day of June 2018.

MAY, ADAM, GERDES & THOMPSON LLP

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of Petition to Intervene was served electronically on the parties listed below on June 1, 2018:

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Dated this 1 day of June, 2018.

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