

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

**IN THE MATTER OF THE APPROVAL OF THE PETITION)
FOR ARBITRATION OF AN INTERCONNECTION) TC21-124
AGREEMENT BETWEEN MIDCONTINENT)
COMMUNICATIONS AND JAMES VALLEY COOPERATIVE)
TELEPHONG COMPANY)**

SDTA Limited Petition to Intervene

The South Dakota Telecommunications Association ("SDTA") hereby petitions the Commission for limited 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. All 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.).

3. On or about December 6, 2021, Midcontinent Communications (hereinafter referenced as "Midcontinent") filed a Petition with the Commission, pursuant to the provisions of SDCL 49-31-81, ARSD §§ 20:10:32:29 and Section 252 of the federal Communications Act for arbitration of the terms of an interconnection agreement between Midco and James Valley Cooperative Telephone Company (herein after referenced as "James Valley").

4. The parties to this docket identified a threshold legal issue that will influence or dictate the applicable legal process. Specifically, the parties disagree regarding whether Midcontinent is

required to obtain a Certificate of Authority to provide the services contemplated under its proposed interconnection agreement.

5. The outcome of that threshold legal question will impact all SDTA member companies. SDTA seeks intervention herein based on the individual interests of each of its member ILECs and based on their common interests to ensure that rural safeguard provisions contained in federal and state laws are followed.

6. SDTA recognizes the limits to intervention that exist under ARSD 20:10:32:31.01. However, given the impact of the threshold legal question on all rural companies in South Dakota, SDTA requests intervention and party status on the threshold legal issue only.

7. The parties to the proceeding do not object to this limited intervention request.

8. SDTA is an interested party in this matter and seeks intervening party status on the following legal question: Is Midco required to obtain a Certificate of Authority to provide services contemplated under its proposed Interconnection Agreement?

Dated this 27 day of December 2021.

Respectfully submitted:

/s/ Kara Semmler
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CERTIFICATE OF SERVICE

I hereby certify that an original of the Petition for Intervention, dated December 27, 2021 filed in PUC Docket TC21-124 was served upon the PUC electronically, directed to the attention of:

Ms. Patty Van Gerpen, Executive Director
South Dakota Public Utilities Commission
patty.vangerpen@state.sd.us

A copy was also sent by e-mail to each of the following individuals:

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Dated this 27 day of December 2021

/s/ Kara Semmler
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