

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

**IN THE MATTER OF A COMPLAINT FILED BY
SPRINT COMMUNICATIO S COMPANY, LP)
AGAINST NATIVE AMERICAN TELECOM, LLC)
REGARDING TELECOMMUNICATIONS)
SERVICES)**

**ORDER GRANTING
INTERVENTION**

TC10-026

On May 4, 2010, the Commission received a complaint from Sprint Communications Company, LP (Sprint) against Native American Telecom, LLC (NAT), in which Sprint seeks: 1) a determination that the Public Utilities Commission (Commission) has the sole authority to regulate Sprint's intrastate interexchange services and that NAT lacks authority to bill Sprint for switched access services without a Certificate of Authority and valid tariff on file with the Commission; 2) a declaration that because the Commission has the sole authority over Sprint's intrastate interexchange services, the Crow Creek Sioux Tribe Utility Authority is without jurisdiction over Sprint; 3) a determination that NAT must repay Sprint the amounts it inadvertently paid NAT for unauthorized and illegal switched access charges. On May 5, 2010 Sprint filed an Amended Complaint. On May 20, 2010, South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene. On May 21, 2010, Petitions to Intervene by South Dakota Network, LLC (SDN), Midstate Communications (Midstate) and AT&T Communications of the Midwest, Inc., (AT&T) were filed. On June 1, 2010, NAT filed a Motion to Dismiss and a Motion to Establish Briefing Schedule for Respondent's Motion to Dismiss. On June 4, 2010, Sprint filed its Response to Crow Creek Sioux Tribe Utility Authority's (CCSTUA) Motion to Dismiss, or in the Alternative, Petition to Intervene. On June 7, 2010, CCSTUA filed a Motion to Dismiss or in the Alternative Petition to Intervene. On June 10, 2010, Sprint filed its Response to NAT Motion to Establish Briefing Schedule for its Motion to Dismiss

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31 and ARSD 20:10:01:15.05.

At its regularly schedule meeting on June 18, 2010, the Commission considered this matter. The Commission found that the Petitions to Intervene of SDTA, SDN, Midstate, and AT&T demonstrated good cause to grant intervention and voted unanimously to grant intervention to SDTA, SDN, Midstate and AT&T. Subsequently, the Commission also found that the Petition to Intervene of CCSTUA demonstrated good cause to grant intervention and voted unanimously to grant intervention to CCSTUA. The Commission also directed the parties to work with Staff to develop a procedural schedule. It is therefore

ORDERED, that the Petitions to Intervene of SDTA, SDN, Midstate, and AT&T are hereby granted. It if further

ORDERED, that the Petition to Intervene of CCSTUA is hereby granted.

Dated at Pierre, South Dakota, this 17th day of June, 2010.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list electronically.
By: <u><i>Stephanie K. ...</i></u>
Date: <u>06/17/10</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner