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RECEIVED

DEC 05 2003

December 5, 2003

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

OF COUNSEL:
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Pamela Bonrud, Executive Director
S. D. Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

Re: Docket Number TC03-193

Dear Ms. Bonrud:

Please find enclosed herein an original and ten copies of PETITION TO INTERVENE for filing in TC03-193 on behalf of Roberts County Telephone Cooperative Association, and an original and ten copies of PETITION TO INTERVENE on behalf of RC Communications, Inc.

By copy of this letter, I am also serving those parties named on the Service List attached to the Petitions.

Sincerely yours,



Darla Pollman Rogers
Attorney at Law

DPR/ph

Enclosures

CC: Service List (with enclosures)
Pamela Harrington

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

RECEIVED

DEC 05 2003

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

IN THE MATTER OF THE PETITION
OF RCC MINNESOTA, INC., AND
WIRELESS ALLIANCE, L.L.C., FOR
DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER
UNDER 47 U.S.C. § 214(e)(2)

Docket No. TC03-193

PETITION TO INTERVENE

Pursuant to ARSD 20:10:01:15.02 through 20:10:01:15.05, RC Communications, Inc. ("RC") petitions to intervene in Docket Number TC03-193 for the following reasons:

1. RC is headquartered in New Effington, South Dakota, is an independent, facilities-based, incumbent local exchange company offering local exchange service in several exchanges in South Dakota. RC is also a "rural telephone company" as defined in 47 U.S.C. § 153(37) and SDCL 49-31-1(22).

2. RCC Minnesota, Inc., and Wireless Alliance, L.L.C., d/b/a Unicel (collectively "Rural Cellular") has applied to the South Dakota Public Utilities Commission ("Commission") to be designated as an eligible telecommunications carrier ("ETC") for purposes of qualifying to obtain federal universal service support in the study areas of several rural telephone companies, including a portion of the study area of RC. Exhibit C indicates that Rural Cellular seeks to be designated an ETC in only some of RC's exchanges.

3. The criteria for designation of ETC status are found in 47 U.S.C. § 214(e), 47 C.F.R. § 54.101(a), SDCL 49-31-78, and ARSD 20:10:32:42 through 49. Pur-

suant to these sections of state and federal law, the Commission has authority to grant or deny a petition for designation of a carrier as an ETC.

4. Rural Cellular has applied for ETC designation in a portion of the RC study area. RC disputes Rural Cellular's request on the following grounds:

A. Rural Cellular is unable to provide the services and functionalities required by the FCC in 47 C.F.R. § 54.201.

B. 47 U.S.C. § 214(e)(1)(A) and ARSD 20:10:32:42 require that a common carrier seeking designation as an ETC must provide those services required by 47 C.F.R. 54.101 throughout the service area for which the designation is sought. Rural Cellular fails to satisfy these requirements and is unable to provide services throughout and coextensive with RC's entire study area, as required by 47 U.S.C. § 214(e)(1)(A) of the Act, and ARSD 20:10:32:42.

C. Granting Rural Cellular ETC status within a portion of RC's service area is not consistent with the public interest, convenience and necessity of RC's customers as required by 47 U.S.C. § 214(e)(2) and ARSD 20:10:32:42.

D. Granting Rural Cellular ETC designation in a portion of RC's service area is not in the public interest, as required by 47 U.S.C. § 214(e)(2), SDCL 49-31-78, and ARSD 20:10:32:42.

E. RC and its customers will experience an unwarranted and adverse economic impact, such as being subjected to unfair, uneconomic competition, if Rural Cellular is granted ETC status in a portion of RC's service area.

5. RC asserts that this Commission's designation of Rural Cellular as an ETC would result in the increase of the total costs of providing universal service support to all of the consumers within RC's study area, and a potential reduction in funding to

incumbent ETC's, thereby producing rate increases and decreases in services and infrastructure investment.

6. RC has a direct and substantial interest in these proceedings because this Commission's decision may directly or indirectly affect the quality or cost of telecommunications services provided by RC to all consumers within RC's entire study area.

7. RC desires to intervene in order to have party status in this docket, which enables RC to receive documents, comment, present testimony, cross-examine witnesses, and produce evidence in opposition to the application of Rural Cellular.

8. RC is entitled to be granted intervention in this docket pursuant to ARSD 20:10:01:15.05 because the outcome of this proceeding may have a profoundly adverse effect on RC.

WHEREFORE, RC respectfully requests that its Petition to Intervene be granted and that RC be authorized to participate in the above-entitled proceeding with full rights as a formal party.

DATED this fifth day of December, 2003.



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Telephone (605) 224-7889
Attorney for RC Communications, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of the foregoing **PETITION TO INTERVENE** upon the persons herein next designated, on the date below shown, by depositing a copy thereof in the United States mail at Pierre, South Dakota, postage prepaid, in an envelope addressed to said addressee, to-wit:

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Dated this fifth day of December, 2003.



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