



South Dakota Telecommunications Association  
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*Rural roots, global connections*

November 19, 2004

Ms. Pamela Bonrud, Executive Director  
South Dakota Public Utilities Commission  
500 East Capitol Ave.  
State Capitol Building  
Pierre, SD 57501

**RECEIVED**

NOV 19 2004

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

RE: Docket TC04-213, Petition of Brookings Municipal Utilities d/b/a Swiftel  
Communications for Designation as an ETC

Dear Ms. Bonrud:

Attached for filing with the Commission in the above referenced docket are the original and ten (10) copies of a Petition to Intervene of the South Dakota Telecommunications Association.

You will also find attached to the Petition a certificate of service verifying service of this document, by mail, on counsel for Brooking Municipal Utilities.

Thank you for your assistance in filing and distributing these documents.

Sincerely,

Richard D. Coit  
Executive Director and General Counsel  
SDTA

CC: Richard Helsper  
David LaFuria

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

NOV 19 2004

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

**IN THE MATTER OF THE PETITION OF  
BROOKINGS MUNICIPAL UTILITIES d/b/a  
SWIFTEL COMMUNICATIONS FOR  
DESIGNATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER**

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**DOCKET TC04-213  
PETITION TO INTERVENE**

**SDTA Petition for Intervention**

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. Brookings Municipal Utilities d/b/a Swiftel Communications ("Brookings") has filed a Petition with this Commission pursuant to 47 U.S.C. § 214(e)(2) and SDCL § 49-31-78 seeking designation as an eligible telecommunications carrier ("ECT") in both non-rural and rural service areas within South Dakota. The Petition filed by Brookings also asks this Commission to consider a redefinition of the service areas of certain rural telephone companies operating in South Dakota, for purposes of determining Brookings's universal service obligations and its eligibility for federal universal service funds. The rural telephone companies named in Brookings's "Petition for Designation as an ETC," as referenced in the Exhibits attached to the Petition include: Alliance Communications Cooperative, Inc., Beresford Municipal Telephone, Prairie Wave Community Telephone, Inc., Jefferson Telephone Company, Roberts County Telephone Cooperative Assn., Stockholm-Strandburg Telephone Company, Union Telephone Company, Fort Randall Telephone Company, Interstate Telecommunications Cooperative, and Sioux Valley Telephone Company.

2. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota, including most of the rural telephone companies named in Brookings's Petition for Designation as an ETC (operating in those service areas where Brookings's is requesting ETC status).

3. The criteria applicable to additional ETC designations are found in 47 U.S.C. § 214(e), SDCL 49-31-78, and ARSD 20:10:32:42 through 49. Pursuant 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. In areas served by rural telephone companies, it is not permissible for the Commission to designate an additional ETC absent first making a finding that the additional designation is in the public interest.

4. In addition, based on the Petition filed by Brookings, it will be necessary for this Commission to undertake a review for purposes of determining the applicable service area. This review must be consistent with applicable Federal-State Joint Board and FCC procedures and also the procedures set forth in ARSD 20:10:32:45.

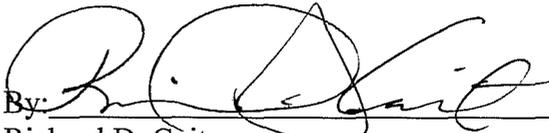
5. SDTA seeks intervention in this proceeding based on the direct interests of the rural telephone company members of SDTA named in the Brookings's Petition and also based on the likelihood that determinations made by the Commission in this matter may impact future similar proceedings involving other SDTA member companies. The Brookings's Petition raises issues similar to those issues raised in Docket TC03-193 (Rural Cellular Corporation Petition for ETC Designation) which are still pending and have not yet been decided by the Commission. Decisions on these issues will require the Commission to address both policy and legal matters that have not to this point been addressed and, accordingly, the decisions made herein have the potential to serve as precedent in future similar proceedings. As such, the instant filing by Brookings will not only impact those rural telephone companies named in the Petition for ETC Designation but is likely to affect other rural telephone companies operating in South Dakota.

6. Based on all of the foregoing, SDTA seeks intervening party status in this proceeding.

Dated this 19<sup>th</sup> day of November 19, 2004.

Respectfully submitted:

THE SOUTH DAKOTA  
TELECOMMUNICATIONS ASSOCIATION

By:  \_\_\_\_\_

Richard D. Coit  
Executive Director and General Counsel

## CERTIFICATE OF SERVICE

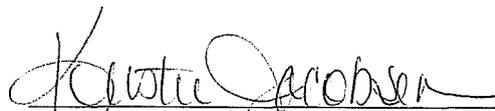
I hereby certify that an original and ten (10) copies of the foregoing document were hand delivered on November 19, 2004 to the South Dakota Public Utilities Commission, in care of:

Pam Bonrud  
Executive Director  
South Dakota Public Utilities Commission  
500 East Capitol Avenue  
Pierre, SD 57501

A copy was sent by First Class Mail via US Postal Service to:

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Richard Helsper  
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