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**E-FILED**

Patricia Van Gerpen  
Executive Director  
Public Utilities Commission  
500 East Capitol Avenue  
Pierre, South Dakota 57501

RE: MIDCONTINENT COMMUNICATIONS; SWIFTEL COMMUNICATIONS  
DOCKET TC07-007  
Our file: 0053

Dear Patty:

Attached for filing is Midcontinent's Reply to Swiftel's Opposition to Midcontinent's Intervention Petition in the above-referenced docket. Please file the same. There are no attachments.

With a copy of this letter service by e-mail and regular mail are made upon the service list who are not PUC staff.

Yours truly,

MAY, ADAM, GERDES & THOMPSON LLP

BY:   
DAG:mw

Enclosure

cc/enc: Richard J. Helsper  
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Mary J. Sisak  
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**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE PETITION	)	DOCKET NO. TC07-007
OF BROOKINGS MUNICIPAL UTILITIES	)	
D/B/A SWIFTEL COMMUNICATIONS	)	
FOR SUSPENSION OR MODIFICATION	)	<b>MIDCONTINENT'S REPLY</b>
OF DIALING PARITY, NUMBER	)	<b>TO SWIFTEL'S OPPOSITION</b>
PORTABILITY AND RECIPROCAL	)	<b>TO MIDCONTINENT'S</b>
COMPENSATION OBLIGATIONS	)	<b>INTERVENTION PETITION</b>

Midcontinent Communications ("Midcontinent") by its undersigned counsel of record urges the Commission to approve its Petition to Intervene contrary to the opposition of Swiftel, as follows:

1. Midcontinent is a certificated telecommunications company operating as a local exchange carrier and a long distance carrier under the jurisdiction of the Commission. Midcontinent has a Certificate of Authority to do business in this state as a local carrier in most of the Qwest exchanges and as an interexchange carrier in South Dakota. Midcontinent also has authority to do business in the rural exchanges of Webster and Waubay in territory served by Interstate Telecommunications Cooperative, Inc., ("ITC"), a rural local exchange carrier.

2. Under ARSD 20:10:01:15.05 the Commission's jurisdiction is clear:

A petition to intervene shall be granted by the Commission if the petitioner shows . . . that 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 as distinguished from an interest common to the public or to the taxpayers in general.

3. As alleged in its petition to intervene, Midcontinent has a business interest in the outcome of this proceeding peculiar to

itself, as distinguished from the general interests of the public. Specifically stated, Midcontinent has these concerns:

- a. Midcontinent is a long distance carrier and carries Swiftel traffic, just as it carries long distance traffic for other local exchange carriers. According to its petition, Swiftel is requesting modification of the toll dialing parity requirement so that it not be required to perform equal access functions at the end office or to establish access traffic transport facilities other than common trunks to SDN. Midcontinent believes that this may affect its business interests.
- b. As stated above, Midcontinent does business in two rural exchanges and it is probable that Midcontinent will do business in other rural exchanges. Any proceeding asking for suspensions or modifications, as in this docket, of the incumbent carrier's obligation to provide local number parity or dialing parity is of interest to Midcontinent. Midcontinent believes that setting such a precedent would be poor public policy for the state and would hamper competitive entry into other rural exchanges. For competitive entry to work the competitive provider must have timely access to dialing parity and local number portability. Midcontinent is entitled have a business plan and protect the terms and conditions of that business plan from adverse precedent being set by this Commission.
- c. Midcontinent has a reciprocal compensation agreement with Swiftel for the exchange of local traffic between the two companies. Midcontinent believes that the suspensions and modifications requested in this proceeding, or those which may develop in the course of the proceeding, could be harmful to Midcontinent's ability to negotiate for and collect reciprocal compensation.

4. In its opposition, Swiftel somehow seeks to connect the Commission's denial of its intervention petition in TC06-046 with this proceeding. The 046 docket involved the application of Mediacom for a certificate of authority to do business as a local exchange carrier in the Qwest exchanges and to conduct in-state interexchange business. At the time of Swiftel's request, Swiftel could not show that it had a business interest in either doing business in a Qwest exchange that would be somehow adversely affected by the Mediacom application, or that Mediacom's interexchange business would somehow adversely affect it. That docket is completely inapposite to this docket.

5. Swiftel also complains that Midcontinent will have access to confidential or proprietary information about Swiftel's operations. Midcontinent agrees to sign and abide by any confidentiality agreement which the Commission chooses to impose on this process.

WHEREFORE Midcontinent prays that its petition to intervene be granted by the Commission.

Dated this 9<sup>th</sup> day of March, 2007.

MAY, ADAM, GERDES & THOMPSON LLP

BY: 

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#### CERTIFICATE OF SERVICE

David A. Gerdes of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 9<sup>th</sup> day of March, 2007, he mailed by United States mail, first class postage thereon prepaid, and sent

electronically a true and correct copy of the foregoing in the above-captioned action to the following at their last known addresses, to-wit:

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A handwritten signature in black ink, appearing to read "David A. Gerdes", written over a horizontal line.

David A. Gerdes