

GUNDERSON, PALMER, GOODSSELL & NELSON, LLP

ATTORNEYS AT LAW

J. CRISMAN PALMER
G. VERNE GOODSSELL
JAMES S. NELSON
DANIEL E. ASHMORE
TERENCE R. QUINN
DONALD P. KNUDSEN
PATRICK G. GOETZINGER
TALBOT J. WIECZOREK
JENNIFER K. TRUCANO
DAVID E. LUST
THOMAS E. SIMMONS

ASSURANT BUILDING
440 MT. RUSHMORE ROAD
POST OFFICE BOX 8045
RAPID CITY, SOUTH DAKOTA 57709-8045
TELEPHONE (605) 342-1078 • FAX (605) 342-0480
www.gundersonpalmer.com
ATTORNEYS LICENSED TO PRACTICE IN
SOUTH DAKOTA, NORTH DAKOTA, NEBRASKA
COLORADO, MONTANA, WYOMING & MINNESOTA

TERRI LEE WILLIAMS
PAMELA SNYDER-VARNS
SARA FRANKENSTEIN
AMY K. KOENIG
JASON M. SMILEY
SHANE C. PENFIELD
JONATHAN M. OOSTRA
MATTHEW E. NAASZ
WYNN A. GUNDERSON
Of Counsel

February 12, 2007

E-FILING

Patricia Van Gerpen
South Dakota Public Utilities Commission
Capitol Building, 1st Floor
500 East Capitol Avenue
Pierre SD 57501-5070

RE: Alltel Communications, Inc. – Swiftel’s Suspension, TC07-007
GPGN File No. 5925.060651

Dear Ms. Van Gerpen:

Attached please find Alltel’s Petition to Intervene in the Petition of Brookings Municipal Utilities d/b/a Swiftel Communications for Suspension matter, Docket TC07-007. By copy of same, counsel have been served.

If you have any questions, please contact me.

Sincerely,



Talbot J. Wiczorek

TJW:klw
Enclosure

c: Rich Helsper/Mary Sisak/Ben Dickens via email
Kara Van Bockern/Harlan Best via email only
Clients

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

In the Matter of the Petition of Brookings Municipal Utilities d/b/a Swiftel Communications for Suspension or Modification of Dialing Parity, Number Portability and Reciprocal Compensation Obligations)))
)))
)))
)))

Docket No. TC07-007

ALLTEL'S PETITION TO INTERVENE

Alltel Communications, Inc. (hereinafter "Alltel"), by and through its attorneys of record, Talbot J. Wieczorek of the law firm of Gunderson, Palmer, Goodsell & Nelson, LLP, hereby petitions the Commission for intervention in the above-captioned proceeding pursuant to SDCL § 1-26-17.1 and A.R.S.D. §§ 20:10:01:15.02, 20:10:01:15.03 and 20:10:01:15.05. In support hereof, Alltel states as follows:

1. Alltel is a Commercial Mobile Radio Service ("CMRS") provider serving the state of South Dakota. Alltel operates in the state of South Dakota through its wholly-owned subsidiary, WWC License, LLC. Alltel provides cellular phone service throughout the service area of Brookings Municipal Utilities d/b/a Swiftel Communications (hereinafter "Swiftel") and currently has existing customers within Swiftel's service area.

2. On January 30, 2007, Swiftel filed with this Commission a Petition for Suspension or Modification of its obligations to provide Local Number Portability, Dialing Parity and reciprocal compensation. Generally, Swiftel has requested that it not have to provide wireline local portability until four-months after a competitive LEC is certified to provide local service in Swiftel's service territory and that in the provisioning of local number portability Swiftel not be required to transport ported numbers beyond its service territory. Regarding

dialing parity, Swiftel has asked for a determination that Swiftel is not required to provide local dialing and is not required to transport outside its service territory. This includes a modification of toll dialing parity requirements so Swiftel would not be required to perform equal access function at its in office or establish access traffic transport facilities other than common trunks to South Dakota networks. Finally, Swiftel has requested modification of its reciprocal compensation requirements so that it does not have to pay reciprocal compensation for traffic terminating to a wireless carrier within the same MTA as Swiftel when the call is handed off by Swiftel to an IXC. Swiftel has also requested immediate suspension of these obligations.

3. Alltel currently has an interconnection agreement with Swiftel and if Swiftel is allowed to modify its obligations as requested, Swiftel's existing agreement with Alltel would dramatically change impacting the exchange of traffic and the ability of Alltel to provide local dialing parity with its customers in Swiftel's area.

4. While Alltel will seek intermodal porting with Swiftel, the obligations that Swiftel requested be modified in providing wireline porting could impact the eventual provisioning of intermodal porting and such an impact could adversely affect Alltel.

5. If Swiftel is allowed to be released from its obligations under the Telecommunication Act as requested, Alltel's ability to operate and provide services as a CMRS carrier will be impacted adversely.

6. The relief Swiftel requested actually results in a suspension or modification of Swiftel's obligations under 47 U.S.C. § 251(a) of the Act, specifically the obligation to indirectly connect with carriers, and such obligation is not subject to suspension or modification under 47 U.S.C. § 251(f)(2).

7. Swiftel should not be allowed to modify or suspend its obligations to provide services it is already providing under existing interconnection agreements, such as the one Swiftel has with Alltel. If allowed to do so, Alltel would be affected adversely.

WHEREFORE, based on the foregoing, Alltel is an interested party in this matter and should be permitted to intervene and participate as a party.

Dated this 12 day of February, 2007.

ATTORNEYS FOR
ALLTEL COMMUNICATIONS, INC.



Talbot Wiczorek
Gunderson, Palmer, Goodsell & Nelson, LLP
440 Mt Rushmore Road
PO Box 8045
Rapid City, South Dakota 57709
Phone: (605) 342-1078
Fax: (605) 342-0480
Email: tjw@gpgnlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of February, 2007, a true and correct copy of

Alltel's Petition to Intervene was sent electronically and by first-class, U.S. Mail, postage paid

to:

harlan.best@state.sd.us
HARLAN BEST
STAFF ANALYST
SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION
500 EAST CAPITOL
PIERRE SD 57501
(Electronically only)

Karen.cremer@state.sd.us
STAFF ATTORNEY
SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION
500 EAST CAPITOL
PIERRE SD 57501
(Electronically only)

bhd@bloostonlaw.com
MR BEN H DICKENS JR
ATTORNEY AT LAW
BLOOSTON MORDKOFKY DICKENS
DUFFY & PENDERGAST
2120 L STREET NW SUITE 300
WASHINGTON DC 20037

mjs@bloostonlaw.com
MS MARY J SISAK
ATTORNEY AT LAW
BLOOSTON MORDKOFKY DICKENS
DUFFY & PENDERGAST
2120 L STREET NW, SUITE 300
WASHINGTON DC 20037

rjh1@brookings.net
RICHARD HELSPER
GLOVER & HELSPER, PC
415 EIGHTH STREET, SOUTH
BROOKINGS SD 57006


Talbot J. Wiczorek