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March 5, 2007

E-FILING

Ms. Patricia Van Gerpen
S.D. Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

**RE: BROOKINGS MUNICIPAL UTILITIES, D/B/A SWIFTEL
COMMUNICATIONS/MIDCONTINENT COMMUNICATIONS
DOCKET TC07-007**

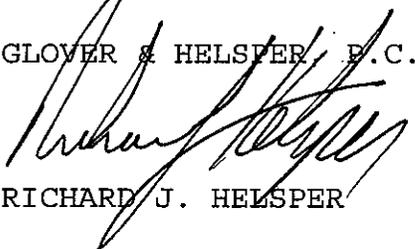
Dear Ms. Van Gerpen:

Attached please find the Opposition of Brookings Municipal Utilities d/b/a Swiftel Communications to Petition to Intervene filed by Midcontinent Communications (Midcontinent), Docket TC07-007. Counsel listed below have also been served.

If you have any questions, please do not hesitate to contact me.

Sincerely,

GLOVER & HELSPER, P.C.


RICHARD J. HELSPER

RJH:srl

Enclosure

cc: Ms. Darla Pollman Rogers
Mr. Talbot Wiczorek
Mr. Richard Coit
Mr. David Gerdes
Mr. Brett Koenecke
Mr. Ben Dickens
Ms. Mary Sisak
Mr. Jim Adkins

**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)	DOCKET NUMBER
SUSPENSION OR MODIFICATION OF)	TC07-007
DIALING PARITY, NUMBER PORTABILITY)	
AND RECIPROCAL COMPENSATION)	
OBLIGATIONS)	

**OPPOSITION OF BROOKINGS MUNICIPAL UTILITIES
D/B/A SWIFTEL COMMUNICATIONS TO
PETITION TO INTERVENE FILED BY
MIDCONTINENT COMMUNICATIONS (MIDCONTINENT)**

1. On January 30, 2007, Brookings Municipal Utilities d/b/a Swiftel Communications (hereinafter "Swiftel") filed with the Commission a Petition for Suspension or Modification of its obligations as a local exchange carrier to provide local number portability, dialing parity and reciprocal compensation. Swiftel has requested immediate suspension of these obligations.

2. On February 14, 2007, David Gerdes, an attorney with May, Adam, Gerdes & Thompson, LLP, of Pierre, South Dakota, filed a Petition to Intervene on behalf of Midcontinent Communications (Midcontinent). Midcontinent, in Paragraph 3 of the Petition, generally alleges an unspecified financial interest in the outcome of the proceeding. According to Midcontinent, "[t]he status of Midcontinent's long distance business, reciprocal compensation agreements with Swiftel, and the cost to Midcontinent could be adversely affected by the outcome of this proceeding."

3. Swiftel objects to allowing Midcontinent to intervene. In its Order dated February 6, 2007 in TC06-181, the Commission found that a proceeding involving a

petition for suspension or modification of Section 251(b) requirements is a contested case. . . The standard for intervention in a contested case is set forth in the statutes of the State of South Dakota as well as the Administrative Procedures and Rules.

Specifically, SDCL 1-26-17.1 states:

"A person who is not an original party to a contested case and whose pecuniary interest would be directly and immediately affected by an agency's order made upon the hearing may become a party to the hearing by intervention, if timely application therefor is made."

The South Dakota Public Utilities Commission has adopted Administrative Rules that generally address petitions to intervene. See generally 20:10:01:15.05. Under these rules, the Petitioner filing the intervention must show:

"That the Petitioner is specifically deemed by statute to be interested in the matter involved; or that the Petitioner is specifically declared by statute to be an interested party to the proceedings; or 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."

Under either standard Midcontinent has failed to meet the standards to be allowed to intervene.

4. Midcontinent does not demonstrate any pecuniary interest and has no pecuniary interest that would be directly and immediately affected by any decision made in this case and therefore Midcontinent should not be allowed to intervene.

5. Midcontinent also will not 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" by the outcome of the proceeding. Swiftel has requested suspension or modification of various Section 251(b)

requirements of the Communications Act of 1934, as amended, (the Act) as a local exchange carrier and any suspension or modification granted will apply only to Swiftel's obligations as a local exchange carrier. The agreement referred to by Midcontinent in its Petition to Intervene is with Swiftel as a wireless (CMRS) carrier and concerns the provision of service in Midcontinent's CLEC service area. Accordingly, this proceeding on the part of Swiftel as a local exchange carrier, does not impact the wireless interconnection agreement that Swiftel has with Midcontinent.

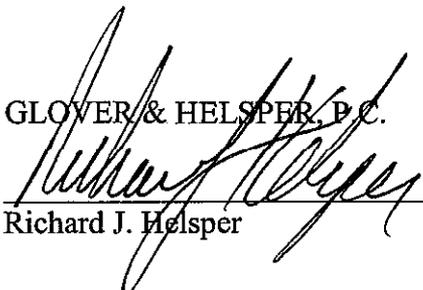
6. In addition and upon information and belief, Midcontinent does not provide service in Swiftel's local exchange carrier service territory. In its Order dated June 21, 2006, the Commission denied Swiftel's request to intervene in TC06-046 on the grounds that the applicant, Mediacom, was not seeking to provide service in Swiftel's service area. As in that case, the Commission must deny Midcontinent's request to intervene in this proceeding since Midcontinent provides no service in Swiftel's ILEC service area that would be affected by this petition.

7. Allowing Midcontinent to intervene would also be prejudicial to Swiftel in that Midcontinent would have access to confidential and proprietary information about Swiftel's operations even though Midcontinent does not have a pecuniary interest that would be directly and immediately affected.

WHEREFORE, it requested that the Petition to Intervene of Midcontinent be denied.

Dated this 5th day of March, 2007.

GLOVER & HELSPER, P.C.


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CERTIFICATE OF SERVICE

I hereby certify that an original of the OPPOSITION OF BROOKINGS MUNICIPAL UTILITIES D/B/A SWIFTEL COMMUNICATIONS TO PETITION TO INTERVENE FILED BY MIDCONTINENT COMMUNICATIONS (MIDCONTINENT), dated March 5, 2007, filed in PUC Docket TC07-007 was served upon the PUC electronically on that same date, directed to the attention of:

Ms. Patty Van Gerpen, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

A copy was sent by U.S. Postal Service First Class mail to each of the following individuals:

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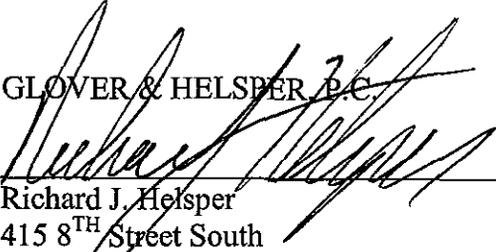
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Dated this 5th day of March, 2007.

~~GLOVER & HELSPER, P.C.~~



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