

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

IN THE MATTER OF THE APPLICATION)	TC09-031
OF NORTHERN VALLEY COMMUNICATIONS,)	
L.L.C. FOR APPROVAL OF EXTENSION)	
OF ITS CURRENT EXEMPTION FROM)	MIDCONTINENT'S
DEVELOPING COMPANY-SPECIFIC)	PETITION TO INTERVENE
COST-BASED SWITCHED ACCESS RATES)	

COMES NOW Midcontinent Communications ("Midcontinent") and moves to intervene in the captioned docket, as follows:

1. Midcontinent is a certificated CLEC providing telecommunications services in the Qwest exchanges. Likewise, petitioner is a CLEC authorized to provide telecommunications services in the Qwest Exchanges. The two companies compete in the Aberdeen exchange.

2. Petitioner, by its petition seeks to continue to use the stipulated rate of \$0.1150 beyond the expiration of June 5, 2009. This is justified at least in part on the theory that the Commission's rulemaking docket, RM05-002, has not yet produced CLEC access rate rules. The Commission has historically used its ILEC switched access rules to govern CLEC switched access rates.

3. The Commission has an obligation to treat CLECs in the same manner. Given prior rulings by the Commission to the effect that CLECs should use the incumbent switched access rate, this rule should be applied in this instance. Commission Staff has taken the position that allowing certain CLECs to charge a significantly higher rate ". . . ignores the fact that it would put [that CLEC] at a huge competitive advantage over the other CLECs and Qwest . . ." If Petitioner is allowed to continue charging a rate almost twice as much as Qwest, both Qwest and Midcontinent will be harmed.

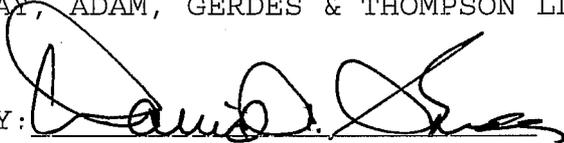
4. Midcontinent is a CLEC which competes across the state with various other CLECs as well as with incumbent carriers. Midcontinent has an interest in the outcome of this proceeding

because it has a keen interest in robust and fair competition in all telecommunications exchanges throughout the state. As such, the outcome of this proceeding will have a direct impact upon the business interests of Midcontinent and it, therefore, has a business interest peculiar to its status as a telecommunications carrier competing against Petitioner and other carriers in the marketplace. Intervention therefore lies under ARSD 20:10:01:15.05.

WHEREFORE Midcontinent prays that intervention be granted for it to participate in the docket and protect the interests of Midcontinent and similarly-situated carriers.

Dated this 3rd day of June, 2009.

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CERTIFICATE OF SERVICE

David A. Gerdes of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 3rd day of June, 2009, he filed electronically and e-mailed 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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