

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

In the Matter of the Application of NORTHERN VALLEY COMMUNICATIONS, L.L.C. for Approval of Extension of an Exemption from Developing Company-Specific Cost-Based Switched Access Rates	TC 09-031 NORTHERN VALLEY COMMUNICATIONS, L.L.C.'S OBJECTION TO QWEST'S PETITION FOR LEAVE TO INTERVENE
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Northern Valley Communications, L.L.C. ("NVC"), by and through its counsel of record and, pursuant to A.R.S.D. 20:10:01:15:04, hereby submits the following answer and objection to the Petition to Intervene by Qwest Communications Corporation, nka Qwest Communications Company, LLC ("Qwest"), filed on June 6, 2009.

BACKGROUND

On May 21, 2009, NVC filed an Application seeking an extension of its current exemption from the requirement of developing company-specific cost-based switched access rates pursuant to A.R.S.D. 20:10:27:11. NVC filed this request because its current exemption expired in June of 2009. Because of the anticipated release of proposed rules relating specifically to the development of access costs for competitive local exchange carriers ("CLECs"), NVC did not believe it would be efficient, from both a time and cost standpoint, to either develop a cost study or renew its request for a long-term extension of its current exemption and rate. For the reasons set forth below, the motion for leave to intervene filed by Qwest should be denied.

OBJECTION

Qwest's late-filed Petition for Leave to Intervene would unduly prejudice the rights of NVC and no showing of detriment to public intent.

Qwest filed its petition on June 17, 2009. The deadline to intervene was June 8, 2009. A petition to intervene which is not timely filed may only be granted if the intervention will not unduly prejudice the rights of other parties to the proceeding or if denial of the petition is shown to be detrimental to the public interest. ARSD 20:10:01:15.02. NVC would be unduly prejudiced if Qwest's Petition to Intervene is granted because NVC's application only seeks a temporary extension of existing switched access rates pending the final rulemaking decision in

RM05-002. Allowing Qwest to participate in this proceeding will likely increase NVC's costs and expenses when the efforts of both NVC and Qwest would be more appropriately directed to RM05-002. Denying Qwest's motion to intervene is not detrimental to the public interest since the concerns of Qwest and the public interest can be fully adjudicated in RM05-002.

CONCLUSION

Accordingly, for those reasons set forth above, NVC requests this Commission deny Qwest's Petition for Leave to Intervene.

Dated this 19th day of June 2009.

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CERTIFICATE OF MAILING

The undersigned hereby certifies that a true and correct copy of the foregoing was served electronically on the 19th day of June 2009 upon the following:

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