

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 AT&T COMMUNICATIONS 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 ARSD 20:10:01:15:04, hereby submits the following answer and objection to the Petition to Intervene by AT&T Communications ("AT&T"), filed on August 4, 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 ARSD 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 AT&T should be denied.

OBJECTION

AT&T's late-filed Petition for Leave to Intervene would unduly prejudice the rights of NVC and no showing of detriment to public intent.

AT&T filed its petition on August 4, 2009. The deadline to intervene was June 8, 2009. Under ARSD 20:10:01:15:02, a petition to intervene which is not timely filed may only be granted if the intervention will not (1) unduly prejudice the rights of other parties to the proceeding, or (2) if denial of the petition is shown to be detrimental to the public interest.

1. Unduly Prejudiced. NVC would be unduly prejudiced if AT&T'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 AT&T to

participate in this proceeding will likely increase NVC's costs and expenses when the efforts of both NVC and AT&T would be more appropriately directed to RM05-002.

2. Public Interest. Both Midcontinent and Qwest have been allowed to intervene in this docket. AT&T's petition to intervene raises no new issues. AT&T simply alleges it has "a substantial financial interest in ensuring that access fees are reasonable, accurate and consistent with the public interest." While that may be in the public interest, AT&T has made no showing that denying its petition to intervene would be detrimental to the public interest, because the interest AT&T seeks to advance parallels the interests of Midcontinent and Qwest and, therefore, those interests will be robustly debated and represented through the Midcontinent and Qwest interventions.

Finally, denying AT&T's motion to intervene does not strip AT&T of an opportunity to raise the issues and policy considerations surrounding CLEC access rates, which will be fully adjudicated in RM05-002.

CONCLUSION

If ARSD 20:10:01:15.02, dealing with late-filed petitions, is to have any meaning, then, in this case, since both prejudice will occur to NVC and there has been no showing that denial of AT&T's petition would be detrimental to the public interest, AT&T's petition should be denied.

Dated this 6th day of August 2009.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served electronically on the 6th day of August 2009 upon the following:

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