

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

IN THE MATTER OF THE PETITION OF	)	DOCKET NO. TC12-133
MIDSTATE TELECOM FOR	)	
APPROVAL OF ITS COST BASED	)	
SWITCHED BASED ACCESS RATES	)	
AND FOR A PHASE-IN	)	
_____	)	
	)	
	)	

**PETITION FOR INTERVENTION BY AT&T COMMUNICATIONS OF THE  
MIDWEST, INC.**

Pursuant to ARSD Sec. 20:10:01:15.02, AT&T Communications of the Midwest, Inc., (“AT&T”) petitions for leave to intervene in the above captioned proceeding. In its Petition filed on September 10, 2012, Midstate Telecom requests approval of its cost study and approval of the switched access rates developed in the cost study. AT&T petitions the Commission as follows:

1. AT&T is an interchange telecommunications carrier authorized to do business in South Dakota.
2. As an interexchange carrier, it is required to pay intrastate switched access services fees to Midstate Telecom. The amount paid by AT&T for switched access service is a significant cost component in its provision of interexchange services.
3. In its application for an exception for determination of switched access rates of a competitive local exchange carrier under ARSD Sec 20:10:27:02.02 Midstate Telecom carries the burden of proof as to factual assertions made under ARSD Secs 20:10:27-29 which form the basis of their application.. Midstate Telecom has not disclosed the switched access rate(s) it proposes to assess as a result of its confidential cost study.

Without having any information on the amount of the rate(s), as well as the underlying data supporting the deviation from the RBOC rate, AT&T has no ability to evaluate the effect Midstate Telecom's request will have on its business.

4. AT&T has a direct interest in the outcome of this proceeding. It will be affected by the rate and costing methodology approved by the Commission. Pursuant to ARSD 20:10:01:15.05, it qualifies for intervention as its interest is distinguishable from an interest common to the public or taxpayers in general.

WHEREFORE, AT&T requests that it be granted intervention status in this proceeding.

Dated this 28<sup>th</sup> day of September, 2012.

Olinger, Lovald, McCahren & Reimers, P.C.  
*/s/ filed electronically*  
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#### **CERTIFICATE OF SERVICE**

William M. Van Camp hereby certifies that on the 28th day of September 2012, he filed the foregoing Petition for Intervention by AT&T Communications of the Midwest, Inc., Docket No. TC 12-133, electronically with the Public Utilities Commission with electronic copies sent to the following persons:

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