NEXSEN|PRUET

Burnet R. Maybank, III
Member
Admitted in SC

July 31, 2013

VIA ELECTRONIC FILING

Public Service Commission of South Carolina
Docketing Department
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

Re: Docket No. 2013-55-C
South Carolina Telephone Coalition Petition to Modify Alternative Regulation Plans Filed Pursuant to S.C. Code Section 58-9-576(B) to Take Into Account Recent Action by the Federal Communications Commission

Dear Ladies and Gentlemen:

Attached for filing please find Windstream South Carolina, LLC's Petition to Intervene Out of Time in the above-referenced matter.

By copy of this letter, I am serving all parties of record with a copy of this Petition to Intervene Out of Time as indicated on the attached Certificate of Service.

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

Very truly yours,

Burnie Maybank

Burnet R. Maybank, III
BRM/sjn
Enclosures
cc: Nanette S. Edwards, Esq. via email

Charleston
Charlotte
Columbia
Greensboro
Greenville
Hilton Head
Myrtle Beach
Raleigh

1230 Main Street
Suite 700 (29201)
PO Drawer 2426
Columbia, SC 29202
www.nexsenpruet.com

T 803.540.2048
F 803.253.8277
E BMaybank@nexsenpruet.com
Nexsen Pruet, LLC
Attorneys and Counselors at Law

STATE OF SOUTH CAROLINA

(Caption of Case)

South Carolina Telephone Coalition Petition to Modify Alternative Regulation Plans Filed Pursuant to S.C. Code Section 58-9-576(B) to Take Into Account Recent Action by the Federal Communications Commission

BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

COVER SHEET

DOCKET NUMBER: 2013 - 55 - C

(Please type or print)

Submitted by: Burnet R. Maybank, III

Address: Nexsen Pruet, LLC
1230 Main Street, Suite 700
Columbia, SC 29201

SC Bar Number: 3699
Telephone: 803-771-8900
Fax: 803-727-1472
Other:
Email: bmaybank@nexsenpruet.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ **Emergency Relief demanded in petition**

☒ **Request for item to be placed on Commission's Agenda expeditiously**

☐ **Other:**

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
☐ Electric	☐ Affidavit	☐ Letter	☐ Request
☐ Electric/Gas	☐ Agreement	☐ Memorandum	☐ Request for Certification
☐ Electric/Telecommunications	☐ Answer	☐ Motion	☐ Request for Investigation
☐ Electric/Water	☐ Appellate Review	☐ Objection	☐ Resale Agreement
☐ Electric/Water/Telecom.	☐ Application	☐ Petition	☐ Resale Amendment
☐ Electric/Water/Sewer	☐ Brief	☐ Petition for Reconsideration	☐ Reservation Letter
☐ Gas	☐ Certificate	☐ Petition for Rulemaking	☐ Response
☐ Railroad	☐ Comments	☐ Petition for Rule to Show Cause	☐ Response to Discovery
☐ Sewer	☐ Complaint	☐ Petition to Intervene	☐ Return to Petition
☒ Telecommunications	☐ Consent Order	☒ Petition to Intervene Out of Time	☐ Stipulation
☐ Transportation	☐ Discovery	☐ Prefiled Testimony	☐ Subpoena
☐ Water	☐ Exhibit	☐ Promotion	☐ Tariff
☐ Water/Sewer	☐ Expedited Consideration	☐ Proposed Order	☐ Other:
☐ Administrative Matter	☐ Interconnection Agreement	☐ Protest	
☐ Other:	☐ Interconnection Amendment	☐ Publisher's Affidavit	
	☐ Late-Filed Exhibit	☐ Report	

Print Form Reset Form

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2013-55-C

IN RE:

South Carolina Telephone Coalition Petition to Modify Alternative Regulation Plans Filed Pursuant to S.C. Code Section 58-9-576(B) to Take Into Account Recent Action by the Federal Communications Commission	)	**PETITION TO INTERVENE** Out of Time

Petitioner Windstream South Carolina, LLC ("Windstream" or "Petitioner"), by its undersigned attorneys, hereby petitions the South Carolina Public Service Commission (the "Commission"), pursuant to Rule 103-825 of the Commission's Rules, for an order allowing Windstream to intervene out of time in the above referenced Docket, with full rights to participate as a party of record. In support of its petition, Windstream would show the Commission the following:

1. On February 8, 2013, the South Carolina Telephone Coalition ("SCTC") filed a Petition with the Commission to establish new price caps for basic local residential service provided under alternative regulation plans filed by SCTC member companies. The SCTC stated in its petition that the existing plans cap basic local residential and single-line business service at the statewide average rates for such service, and requested that the Commission establish new price caps for basic local residential service at the applicable nationwide average rates for this

service. The SCTC feels that this action is necessary to allow SCTC member companies the flexibility to meet rate floors established by the Federal Communications Commission ("FCC").

2. The South Carolina Cable TV Association ("SCCTA") recently filed a Motion in this Docket raising issues with respect to the relief sought by the SCTC member companies in this Docket and its effect on the South Carolina Universal Service Fund ("State USF"). The SCTC has filed a response to the SCCTA's Motion.

3. Windstream is a carrier authorized by the Commission to provide telecommunications services in South Carolina. Windstream pays into the State USF. As such, Windstream has an interest in this proceeding, will be affected by the outcome of this proceeding, and seeks to participate in this Docket in order to protect and pursue its interests.

4. Petitioner should therefore be permitted to intervene in this proceeding in order to participate fully and present testimony and other evidence as appropriate.

5. Windstream has not yet developed a position on the issues in this proceeding.

6. Petitioner's authorized representative in this proceeding is:

Burnet R. Maybank, III, Esquire
NEXSEN PRUET, LLC
1230 Main Street, Suite 700
Columbia, SC 29202
(803) 771-8900
bmaybank@nexsenpruet.com

7. Windstream asserts that the granting of its Petition to Intervene Out of Time will not in any way delay the proceedings in this Docket.

WHEREFORE, Windstream prays for the Commission to:

a. Grant this Petition to Intervene and make Petitioner a party of record in Docket No. 2013-55-C, allowing Petitioner to participate fully and take such positions as it deems advisable; and

b. Grant such other relief as the Commission deems just and proper.

Respectfully submitted,
NEXSEN PRUET, LLC
BY: s /Burnet R. Maybank, III
Burnet R. Maybank, III, Esquire
1230 Main Street, Suite 700
Columbia, SC 29201
(803) 771-8900
bmaybank@nexsenpruet.com
Attorneys for Windstream South Carolina, LLC

July 31, 2013
Columbia, South Carolina

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2013-55-C

IN RE:

South Carolina Telephone Coalition Petition to Modify Alternative Regulation Plans Filed Pursuant to S.C. Code Section 58-9-576(B) to Take Into Account Recent Action by the Federal Communications Commission	)	**CERTIFICATE OF SERVICE**

This is to certify that I have caused to be served this day, the Petition to Intervene filed by Windstream South Carolina, LLC, as follows:

ELECTRONIC MAIL SERVICE
F. David Butler, Esq.
Senior Counsel
South Carolina Public Service Commission
PO Box 11649
Columbia, South Carolina 29211
david.butler@psc.sc.gov

ELECTRONIC MAIL SERVICE
M. John Bowen, Jr., Esq.
Margaret M. Fox, Esq.
McNair Law Firm, P.A.
P.O. Box 11390
Columbia, South Carolina 29202
jbowen@mcnair.net
pfox@mcnair.net

ELECTRONIC MAIL SERVICE
Nanette S. Edwards, Esq.
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC, 29201
nsedwar@regstaff.sc.gov

ELECTRONIC MAIL SERVICE
Frank Rogers Ellerbe, III, Esq.
Bonnie D. Shealy, Esq.
Robinson McFadden & Moore, PC
PO Box 944
Columbia SC 29202
bshealy@robinsonlaw.com
fellerbe@robinsonlaw.com

ELECTRONIC MAIL SERVICE
Scott Elliott, Esq.
Elliott & Elliott, P.A.
1508 Lady Street
Columbia, SC 29201
selliott@elliottlaw.us

ELECTRONIC MAIL SERVICE
Patrick W. Turner, Esq.
BellSouth Telecommunications, LLC d/b/a AT&T South Carolina
1600 Williams Street
Suite 5200
Columbia, SC 29201
pt1285@att.com

ELECTRONIC MAIL SERVICE
C. Jo Anne Wessinger Hill, Esq.
Steven W. Hamm, Esq.
Richardson Plowden and Robinson, P.A.
Post Office Drawer 7788
1600 Marion Street
Columbia, SC 29202
jwessingerhill@rpcrlaw.com
shamm@rpcrlaw.com

ELECTRONIC MAIL SERVICE
Jeanne W. Stockman, Counsel
United Telephone Company of the Carolinas, LLC
d/b/a CenturyLink
14111 Capital Boulevard
Mailstop: NCWKFR0313
Wake Forest, NC 27587
jeanne.w.stockman@centurylink.com

ELECTRONIC MAIL SERVICE

John J. Pringle, Jr., Esquire
1501 Main Street, Suite 500
Columbia, SC 29201
jack.pringle@arlaw.com

s/ Shirley J. Neal
Shirley J. Neal, Paralegal

July 31, 2013
Columbia, South Carolina