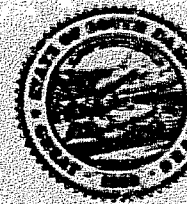


South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

October 2, 1998

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-3280
FAX (605)773-3225

Consumer Hotline
1-800-337-1782

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Relay South Dakota
1-800-877-1113

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Tarauni Stasigohr
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Kathryn Ault Wiest

Sioux Falls Argus Leader
P. O. Box 5034
Sioux Falls, SD 57117-5034

To whom it may concern:

Please publish the enclosed notice in your paper as a display advertisement for one issue on or before October 9, 1998.

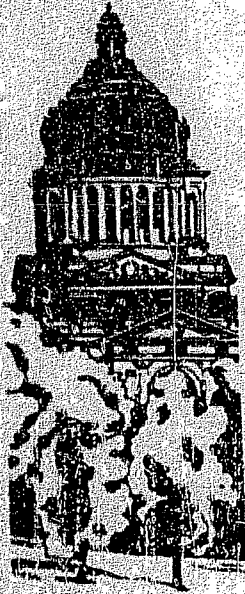
South Dakota law requires that this notice be published as a display advertisement. Your failure to return your Affidavit of Publication containing the words "display advertisement" with your invoice will nullify your claim for publication fees.

If you would like, we can e-mail the notice to you.

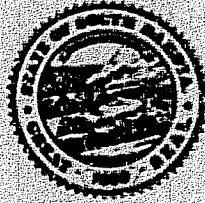
Sincerely yours,

William Bullard
Executive Director

WB:dk
Enc.



South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

October 2, 1998

Capital Office
Telephone (605) 773-3201
FAX (605) 773-3309

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Workforce Division
Telephone (605) 773-5280
FAX (605) 773-3225

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Rosalynne Ailtz Wiest

Capital Journal
333 West Dakota Avenue
Pierre, SD 57501

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Sincerely yours,

William Bullard
Executive Director

WB:dk
Enc.



South Dakota Public Utilities Commission



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October 2, 1998

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Terry Norum
Gregory A. Rislov
Tammie Stangohr
Steven M. Wegman
ReLayne Aulis Wiest

Rapid City Journal
P. O. Box 450
Rapid City, SD 57709-0450

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If you would like, we can e-mail the notice to you.

Sincerely yours,

William Bullard
Executive Director

WB:dk
Enc.

Public Utilities Commission
Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 412, fourth floor, State Capitol, Pierre, South Dakota, on November 2, 1998, at 8:30 a.m., to consider the adoption and amendment of proposed rules numbered

Revised rules: §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07.01, 20:10:01:10, 20:10:01:11.01, 20:10:01:15, 20:10:01:15.02, 20:10:01:15.06, 20:10:01:17, 20:10:01:22.01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30.01, 20:10:01:30.02, 20:10:01:32, 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04, 20:10:28:45, 20:10:28:47, 20:10:28:105, 20:10:28:108, 20:10:28:117, 20:10:28:118, 20:10:29:14, 20:10:29:20, 20:10:29:34, 20:10:29:43. New rules: §§ 20:10:24:03.01, 20:10:24:04.01, 20:10:24:04.02, 20:10:24:04.03, 20:10:24:04.04, 20:10:24:04.05, §§ 20:10:32:01 to 20:10:32:51, inclusive; §§ 20:10:33:01 to 20:10:33:34, inclusive; and §§ 20:10:34:01 to 20:10:34:11, inclusive. Repeal: §§ 20:10:25:01, 20:10:25:02, 20:10:25:03, 20:10:25:04, 20:10:28:115.

The effect of the revisions to §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07.01, 20:10:01:10, 20:10:01:11.01, 20:10:01:15, 20:10:01:15.02, 20:10:01:15.06, 20:10:01:17, 20:10:01:22.01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30.01, 20:10:01:30.02, 20:10:01:32 is to revise procedural rules regarding proceedings before the commission. The revisions clarify the role of commission staff in a docket, simplify the procedures for filing a complaint, revise a definition, increase the number of copies of documents needed to be filed with the commission, revise discovery procedures, and list the procedures and standards to be followed when requesting reconsideration.

The reasons for the revisions to rules contained in ARSD chapter 20:10:01 are to simplify, clarify, and update the commission's procedural rules.

The effects of the revisions to §§ 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04 and the proposed promulgation of §§ 20:10:24:03.01, 20:10:24:04.01, 20:10:24:04.02, 20:10:24:04.03, 20:10:24:04.04, 20:10:24:04.05 are as follows: to add requirements for applying for a certificate of authority for interexchange carriers; to specify decision criteria for granting a certificate of authority; to set standards for the sale, assignment, lease, or transfer of certificates of authority; to set the procedures for suspension or revocation of certificates of authority; and to set the requirements for a performance bond.

The reasons for the revisions to and the proposal of new rules in ARSD chapter 20:10:24 are to clarify and add to the commission's procedures and standards with regard to the grant, denial, sale, assignment, lease, transfer, revocation, or suspension of certificates of authority for interexchange carriers.

The effect of the repeal of §§ 20:10:25:01, 20:10:25:02, 20:10:25:03, 20:10:25:04 is that the entire chapter regarding the notice required for construction of telecommunications facilities is repealed.

The reason for the repeal of ARSD chapter 20:10:25 is because the law these rules were based upon, SDCL 49-31-21, was repealed.

The effect of the revisions to §§ 20:10:28:45, 20:10:28:47, 20:10:28:105, 20:10:28:108, 20:10:28:117, 20:10:28:118, 20:10:29:14, 20:10:29:20, 20:10:29:34, 20:10:29:43 and the repeal of § 20:10:28:115 is to delete any recovery of public payphone expenses from the rates charged for intrastate switched access.

The reason for the revisions and repeal is to comply with a Federal Communications Commission's ruling that requires the deletion of any recovery of public payphone expenses from the rates charged for intrastate switched access.

The effects of the proposed rules in §§ 20:10:32:01 to 20:10:32:51, inclusive, are as follows: to set the procedures and standards for the grant, denial, sale, assignment, lease, transfer, suspension, or revocation of certificates of authority to provide local exchange service; to set the service obligations of providers of local exchange service; to set annual reporting requirements; to set standards and procedures for discontinuing local exchange service; to set the procedures and standards regarding negotiated, mediated, and arbitrated interconnection agreements; to set the standards and procedures for rural exemptions, suspensions, or modifications of interconnection requirements for rural telephone companies; and to set the procedures and standards for designation of eligible telecommunications carriers.

The reason for the rules is to comply with a new statute, SDCL 49-31-76, which requires the Commission to promulgate rules regarding the competitive provisioning of local exchange service.

The effects of the proposed rules in §§ 20:10:33:01 to 20:10:33:34, inclusive, are to set service standards for telecommunications companies. These standards include the following areas: minimum requirements for current and new telecommunications facilities; requirements regarding sufficient equipment and personnel; requirements for testing, inspecting, maintenance, and repair of facilities; requirements for record keeping, reporting, and planning requirements; and requirements concerning termination of local exchange service.

The reason for the proposed rules is to comply with new statutory provisions, SDCL 49-31-77 and 49-31-85, which require the commission to establish service quality standards.

The effects of the proposed rules in §§ 20:10:34:01 to 20:10:34:11, inclusive, are to prohibit the unauthorized switching of telecommunications carriers and to prohibit charging consumers for unauthorized services. The proposed rules state the procedures for switching telecommunications carriers and list billing requirements. The proposed rules also state the carrier's liability for unauthorized switching or charging for unauthorized services.

The reasons for the proposed rules are to set the standards and penalties concerning the switching of telecommunications carriers and to set standards and penalties concerning the billing of customers.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission by November 13, 1998, to be considered.

After the hearing, the Commission will consider all written and oral comments it receives on the proposed rules. The Commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-3201.


Copies of the proposed rules may be obtained without charge from the

South Dakota Public Utilities Commission
State Capitol
500 East Capitol
Pierre, SD 57501-5070

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES


AFFIDAVIT OF MAILING NOTICE
TO INTERESTED PARTIES

I, Delaine Kolbo, under oath, do swear, that on October 6, 1998, I mailed a copy of the notice attached to this affidavit to the list of persons attached to this affidavit. I further swear that the attached list is a true and correct list of all persons who have requested advance notice of rulemaking proceedings by the Public Utilities Commission.



Delaine Kolbo

Subscribed and sworn to
before me this 6th day
of October, 1998.



Notary Public - South Dakota

(SEAL)

My Commission Expires

_____, 19____
CAMRON HOSBECK
Notary Public
My Commission Expires Mar. 15, 2005

Public Utilities Commission
Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 412, fourth floor, State Capitol, Pierre, South Dakota, on November 2, 1998, at 8:30 a.m., to consider the adoption and amendment of proposed rules numbered

Revised rules: §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07.01, 20:10:01:10, 20:10:01:11.01, 20:10:01:15, 20:10:01:15.02, 20:10:01:15.06, 20:10:01:17, 20:10:01:22.01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30.01, 20:10:01:30.02, 20:10:01:32, 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04, 20:10:28:45, 20:10:28:47, 20:10:28:105, 20:10:28:108, 20:10:28:117, 20:10:28:118, 20:10:29:14, 20:10:29:20, 20:10:29:34, 20:10:29:43. New rules: §§ 20:10:24:03.01, 20:10:24:04.01, 20:10:24:04.02, 20:10:24:04.03, 20:10:24:04.04, 20:10:24:04.05, §§ 20:10:32:01 to 20:10:32:51, inclusive, §§ 20:10:33:01 to 20:10:33:34, inclusive, and §§ 20:10:34:01 to 20:10:34:11, inclusive. Repeal §§ 20:10:25:01, 20:10:25:02, 20:10:25:03, 20:10:25:04, 20:10:28:115.

The effect of the revisions to §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07.01, 20:10:01:10, 20:10:01:11.01, 20:10:01:15, 20:10:01:15.02, 20:10:01:15.06, 20:10:01:17, 20:10:01:22.01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30.01, 20:10:01:30.02, 20:10:01:32 is to revise procedural rules regarding proceedings before the commission. The revisions clarify the role of commission staff in a docket, simplify the procedures for filing a complaint, revise a definition, increase the number of copies of documents needed to be filed with the commission, revise discovery procedures, and list the procedures and standards to be followed when requesting reconsideration.

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The reasons for the revisions to and the proposal of new rules in ARSD chapter 20:10:24 are to clarify and add to the commission's procedures and standards with regard to the grant, denial, sale, assignment, lease, transfer, revocation, or suspension of certificates of authority for interexchange carriers.

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South Dakota Public Utilities Commission
State Capitol
500 East Capitol
Pierre, SD 57501-5070

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ATMORE AL 36504-0751

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ERICKSON, HELSPER & RASMUSSEN
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BROOKINGS SD 57006-0198

GREGORY GRABLANDER
MANAGER
BALTIC TELECOM COOPERATIVE
501 SECOND ST, PO BOX 307
BALTIC SD 57003-0307

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GTE MOBILE COMMUNICATIONS
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**UTILITIES COMMISSION
PUBLIC HEARING TO ADOPT RULES**

to be held in Room 412, fourth floor, State Capitol, on November 2, 1998, at 8:30 a.m., to consider and adopt proposed rules numbered:

20:10:01:01, 20:10:01:01:01, 20:10:01:02, 20:10:01:10, 20:10:01:11:01, 20:10:01:15, 20:10:01:15:06, 20:10:01:17, 20:10:01:22:01, 20:10:01:25, 20:10:01:29, 20:10:01:30:01, 20:10:01:32, 20:10:24:01, 20:10:24:02, 20:10:24:04, 20:10:28:45, 20:10:28:47, 20:10:28:108, 20:10:28:117, 20:10:28:118, 20:10:29:34, 20:10:29:43, New 24:04:01, 20:10:24:04:01, 20:10:24:04:02, 20:10:24:04:04, 20:10:24:04:05; -- 20:10:32:51, inclusive; -- 20:10:33:01 to 20:10:34:11, inclusive; -- 20:10:25:01, 20:10:25:02, 20:10:25:03, 20:26:115.

the revisions to -- 20:10:01:01, 20:10:01:01:01, 20:10:01:10, 20:10:01:11:01, 20:10:01:15, 20:10:01:15:06, 20:10:01:17, 20:10:01:22:01, 20:10:01:25, 20:10:01:29, 20:10:01:30:01, 20:10:01:30:02, 20:10:01:32 is to clarify the role of commission staff in a docket, simplifying a complaint, revise a definition, increase the documents needed to be filed with the commission, clarify, and update the commission's procedural

the revisions to and the proposal of new rules in 24 are to clarify and add to the commission's pro-

the revisions to -- 20:10:24:01, 20:10:24:02, 20:10:24:04:01, 20:10:24:04:02, 20:10:24:04:03, 20:10:24:04:05 are as follows: to add requirements for

the revisions to and the proposal of new rules in 24 are to clarify and add to the commission's pro-

the repeal of -- 20:10:25:01, 20:10:25:02, 20:10:25:03, in entire chapter regarding the notice required for

the repeal of ARSD chapter 20:10:25 is because the

the revisions to -- 20:10:28:45, 20:10:28:47, 20:10:28:108, 20:10:28:117, 20:10:28:118, 20:10:29:14, 20:10:29:43 and the repeal of -- 20:10:28:115

the revisions and repeal is to comply with a Federal

the proposed rules in -- 20:10:32:01 to 20:10:32:51, are to set the procedures and standards for the

the rules is to comply with a new statute, SDCL 49-

Affidavit of Publication

STATE OF SOUTH DAKOTA
County of Pennington SS.

I, Patricia K. Van Patten, being first duly sworn, upon her oath says: That she is now and was at all times hereinafter mentioned, an employee of the RAPID CITY JOURNAL COMPANY, a corporation, of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said RAPID CITY JOURNAL, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each week

for one successive week the first publication thereof being on the ninth day of October, 19 98, that the fees charged for the publication thereof are Two hundred seventy-four Dollars and fifty-six cents, for legal display advertisement.

Patricia K. Van Patten

Subscribed and sworn to before me this 9th day of October, 19 98.

Lorraine K. Rostad
Notary Republic

May 26, 200
My commission expires

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHABA } ss

Diana Rulcher being duly sworn, says: That The Sioux Falls Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota by Sioux Falls Newspapers, Inc.; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Friday, the 9 day of October, 1998,
 the day of 1998,
 the day of 1998,
 the day of 1998,
 the day of 1998,
 the day of 1998,
 the day of 1998,

and that \$58.60 was charged for publishing the same for display advertising.

Diana Rulcher

Subscribed and sworn to before me October 9, 1998.

Judy Weise

Notary Public, South Dakota

My Commission expires November 3, 2000

Public Utilities Commission Notice of Public Hearing to Adopt

A public hearing will be held in Room 412, fourth floor of the South Dakota State Capitol Building, 500 East Capitol Avenue, South Dakota, on November 2, 1998, at 8:30 a.m., to amend or repeal proposed rules numbered:

Revised rules: §§ 20:10:01.01, 20:10:01.02, 20:10:01.07.01, 20:10:01.10, 20:10:01.11, 20:10:01.15.02, 20:10:01.15.06, 20:10:01.17, 20:10:01.25, 20:10:01.28, 20:10:01.29, 20:10:01.3, 20:10:01.32, 20:10:24.01, 20:10:24.02, 20:10:28.45, 20:10:28.47, 20:10:28.105, 20:10:2, 20:10:28.118, 20:10:29.14, 20:10:29.20, 20:10:29. Rules: §§ 20:10:24.03.01, 20:10:24.04.0, 20:10:24.04.03, 20:10:24.04.04, 20:10:24.04.05, 20:10:32.51, inclusive; §§ 20:10:33.01 to 20:10:33, 20:10:34.01 to 20:10:34.11, inclusive; §§ 20:10:25.02, 20:10:25.03, 20:10:25.04, 20:10:28.1

The effect of the revisions to §§ 20:10:01.01, 20:10:01.07.01, 20:10:01.10, 20:10:01.11.01, 20:10:01.15.06, 20:10:01.17, 20:10:01.22.01, 20:10:01.29, 20:10:01.30.01, 20:10:01.30.02, 20:10.0 rules regarding proceedings before the commission, of commission staff in a docket, simplify the procedure to revise a definition, increase the number of copies of filed with the commission, revise discovery procedure and standards to be followed when requesting records.

The reasons for the revisions to rules contained in to simplify, clarify, and update the commission's procedure. The effects of the revisions to §§ 20:10:24.01, 20:10:24.04 and the proposed promulgation 20:10:24.04.01, 20:10:24.04.02, 20:10:24.04.03, 20 are as follows: to add requirements for applying for interexchange carriers; to specify decision criteria authority to set standards for the sale, assign certificates of authority; to set the procedures for certificates of authority; and to set the requirements for

The reasons for the revisions to and the proposed chapter 20:10:24 are to clarify and add to the current standards with regard to the grant, denial, sale, revocation, or suspension of certificates of authority.

The effect of the repeal of § 20:10:25.01 20:10:25.04 is that the entire chapter regarding construction of telecommunications facilities is repealed.

The reason for the repeal of ARSD chapter 20:10 rules were based upon, SDCL 49-31-21, was repealed.

The effect of the revisions to §§ 20:10:28.45, 20:10:28.108, 20:10:28.117, 20:10:28.118, 20:10:29.34, 20:10:29.43 and the repeal of § 20 recovery of public payphone expenses from the switched access.

The reason for the revisions and repeal is Communications Commission's ruling that requires of public payphone expenses from the rates charged access.

The effects of the proposed rules in §§ 20:10:32 are as follows: to set the procedures and standards assignment, lease, transfer, suspension, or revocation to provide local exchange service; to set the service local exchange service; to set annual reporting requirements and procedures for discontinuing local exchange service and standards regarding negotiated, mediated, and agreements; to set the standards and procedures suspensions, or modifications of interconnection requirements; and to set the procedures and standards telecommunications carriers.

The reason for the rules is to comply with a rule which requires the Commission to promulgate rules for provisioning of local exchange service.

The effects of the proposed rules in §§ 20:10:33 are to set service standards for telecommunications standards include the following areas: minimum new telecommunications facilities; requirements for and personnel; requirements for testing, inspection facilities; requirements for record keeping, reporting and requirements concerning termination of local exchange service.

The reason for the proposed rules is to comply with SDCL 49-31-77 and 49-31-85, which require the Commission to set quality standards.

The effects of the proposed rules in §§ 20:10:34

South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

October 13, 1998

To: Public Service Answering Point Contacts
From: Bill Bullard, Executive Director, PUC
RE: Proposed Telecommunications Rules

Enclosed is a "Notice of Public Hearing to Adopt Rules" issued by the South Dakota Public Utilities Commission (Commission). The Commission is proposing a variety of rule changes and new rules governing the operations of telecommunications companies within the state. One section of the proposed rules addresses telecommunications service standards.

I have enclosed this particular section entitled "Service Standards for Telecommunications Companies" for your convenience. The proposed rules in their entirety can be found on the internet at: <http://www.state.sd.us/state/executive/puc/rulessgl.html>

If you do not have access to the internet but would like a copy of the remaining proposed rules, please contact the Commission at 1-800-332-1782. Thank you.

Enclosures

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-9225

Consumer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet
bill@puc.state.sd.us

Jim Burg
Chairman
Pam Nelson
Vice-Chairman
Linda Schoenfelder
Commissioner

William Bullard Jr.
Executive Director

Edward R. Anderson
Harlan Best
Marion C. Bottmann
Charlie Boll
Sue Cichos
Karen E. Cremer
Marlene Fuschbach
Shirleen Fugitt
Lewis Hammond
Katie Hartford
Loni Hsaly
Cameron Hoseck
Dave Jacobson
Bob Knadle
Delaine Kolbo
Jeffrey P. Lorenson
Terry Norum
Gregory A. Rislov
Tammie Stangor
Steven M. Wegman
Rosayne Aita West

Public Utilities Commission
Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 412, fourth floor, State Capitol, Pierre, South Dakota, on November 2, 1998, at 8:30 a.m., to consider the adoption and amendment of proposed rules numbered

Revised rules: §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07.01, 20:10:01:10, 20:10:01:11.01, 20:10:01:15, 20:10:01:15.02, 20:10:01:15.06, 20:10:01:17, 20:10:01:22.01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30.01, 20:10:01:30.02, 20:10:01:32; 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04, 20:10:28:45, 20:10:28:47, 20:10:28:105, 20:10:28:108, 20:10:28:117, 20:10:28:118, 20:10:29:14, 20:10:29:20, 20:10:29:34, 20:10:29:43. New rules: §§ 20:10:24:03.01, 20:10:24:04.01, 20:10:24:04.02, 20:10:24:04.03, 20:10:24:04.04, 20:10:24:04.05; §§ 20:10:32:01 to 20:10:32:51, inclusive; §§ 20:10:33:01 to 20:10:33:34, inclusive; and §§ 20:10:34:01 to 20:10:34:11, inclusive. Repeal: §§ 20:10:25:01, 20:10:25:02, 20:10:25:03, 20:10:25:04; 20:10:28:115.

The effect of the revisions to §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07.01, 20:10:01:10, 20:10:01:11.01, 20:10:01:15, 20:10:01:15.02, 20:10:01:15.06, 20:10:01:17, 20:10:01:22.01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30.01, 20:10:01:30.02, 20:10:01:32 is to revise procedural rules regarding proceedings before the commission. The revisions clarify the role of commission staff in a docket, simplify the procedures for filing a complaint, revise a definition, increase the number of copies of documents needed to be filed with the commission, revise discovery procedures, and list the procedures and standards to be followed when requesting reconsideration.

The reasons for the revisions to rules contained in ARSD chapter 20:10:01 are to simplify, clarify, and update the commission's procedural rules.

The effects of the revisions to §§ 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04 and the proposed promulgation of §§ 20:10:24:03.01, 20:10:24:04.01, 20:10:24:04.02, 20:10:24:04.03, 20:10:24:04.04, 20:10:24:04.05 are as follows: to add requirements for applying for a certificate of authority for interexchange carriers; to specify decision criteria for granting a certificate of authority; to set standards for the sale, assignment, lease, or transfer of certificates of authority; to set the procedures for suspension or revocation of certificates of authority; and to set the requirements for a performance bond.

The reasons for the revisions to and the proposal of new rules in ARSD chapter 20:10:24 are to clarify and add to the commission's procedures and standards with regard to the grant, denial, sale, assignment, lease, transfer, revocation, or suspension of certificates of authority for interexchange carriers.

The effect of the repeal of §§ 20:10:25:01, 20:10:25:02, 20:10:25:03, 20:10:25:04 is that the entire chapter regarding the notice required for construction of telecommunications facilities is repealed.

The reason for the repeal of ARSD chapter 20:10:25 is because the law these rules were based upon, SDCL 49-31-21, was repealed.

The effect of the revisions to §§ 20:10:28:45, 20:10:28:47, 20:10:28:105, 20:10:28:108, 20:10:28:117, 20:10:28:118, 20:10:29:14, 20:10:29:20, 20:10:29:34, 20:10:29:43 and the repeal of § 20:10:28:115 is to delete any recovery of public payphone expenses from the rates charged for intrastate switched access.

The reason for the revisions and repeal is to comply with a Federal Communications Commission's ruling that requires the deletion of any recovery of public payphone expenses from the rates charged for intrastate switched access.

The effects of the proposed rules in §§ 20:10:32:01 to 20:10:32:51, inclusive, are as follows: to set the procedures and standards for the grant, denial, sale, assignment, lease, transfer, suspension, or revocation of certificates of authority to provide local exchange service; to set the service obligations of providers of local exchange service; to set annual reporting requirements; to set standards and procedures for discontinuing local exchange service; to set the procedures and standards regarding negotiated, mediated, and arbitrated interconnection agreements; to set the standards and procedures for rural exemptions, suspensions, or modifications of interconnection requirements for rural telephone companies; and to set the procedures and standards for designation of eligible telecommunications carriers.

The reason for the rules is to comply with a new statute, SDCL 49-31-76, which requires the Commission to promulgate rules regarding the competitive provisioning of local exchange service.

The effects of the proposed rules in §§ 20:10:33:01 to 20:10:33:34, inclusive, are to set service standards for telecommunications companies. These standards include the following areas: minimum requirements for current and new telecommunications facilities; requirements regarding sufficient equipment and personnel; requirements for testing, inspecting, maintenance, and repair of facilities; requirements for record keeping, reporting, and planning requirements; and requirements concerning termination of local exchange service.

The reason for the proposed rules is to comply with new statutory provisions, SDCL 49-31-77 and 49-31-85, which require the commission to establish service quality standards.

The effects of the proposed rules in §§ 20-10-34:01 to 20-10-34:11, inclusive, are to prohibit the unauthorized switching of telecommunications carriers and to prohibit charging consumers for unauthorized services. The proposed rules state the procedures for switching telecommunications carriers and list billing requirements. The proposed rules also state the carrier's liability for unauthorized switching or charging for unauthorized services.

The reasons for the proposed rules are to set the standards and penalties concerning the switching of telecommunications carriers and to set standards and penalties concerning the billing of customers.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission by November 13, 1998, to be considered.

After the hearing, the Commission will consider all written and oral comments it receives on the proposed rules. The Commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-3201.

Copies of the proposed rules may be obtained without charge from the

South Dakota Public Utilities Commission
State Capitol
500 East Capitol
Pierre, SD 57501-5070

(2) The commission may permit a local service provider to relinquish its eligible telecommunications carrier designation if at least one other eligible telecommunications carrier serves the area for which the relinquishment is sought;

(3) The petitioning local service provider shall continue to meet its eligible telecommunications carrier obligations for the entire area for which it seeks to relinquish those obligations until the date specified in the commission's order approving the relinquishment; and

(4) Prior to permitting a local service provider designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the commission shall ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-78.

20:10:32:50. Revocation of eligible telecommunications carrier status. Upon finding that any local service provider designated as an eligible telecommunications carrier does not qualify as an eligible telecommunications carrier under 47 C.F.R. § 54.201 (September 10, 1998) and should not be entitled to federal universal service support, the commission shall revoke the local service provider's eligible telecommunications carrier designation.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-78.

20:10:32:51. Monitoring of competitive local exchange services. The commission shall monitor the effectiveness of the regulatory requirements prescribed in this chapter to ensure that local service competition occurs in a manner that is consistent with preserving and advancing universal service, protecting the public safety and welfare, ensuring the continued quality of service, and safeguarding the rights of affected consumers. The commission reserves the right to impose additional requirements by order or rulemaking that may be necessary to meet these objectives.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-71, 49-31-76.

CHAPTER 20:10:33

SERVICE STANDARDS FOR TELECOMMUNICATIONS COMPANIES

Section

20:10:33:01 Definitions.

20:10:33:02 Level of service provided by local exchange companies.

20:10:33:03 Level of service applicable to all subscribers within an exchange.

- 20:10:33:04 Minimum transmission levels for local exchange service.
- 20:10:33:05 Minimum requirements for new, upgraded, or replaced facilities.
- 20:10:33:06 Minimum requirements for channel capacity.
- 20:10:33:07 Minimum levels of trunking facilities provided by interexchange companies.
- 20:10:33:08 Requirements for good engineering practices.
- 20:10:33:09 Requirement for sufficient equipment and adequate personnel.
- 20:10:33:10 Required documentation to show sufficient equipment and adequate personnel.
- 20:10:33:11 Assignment of facilities.
- 20:10:33:12 Charges for construction of facilities.
- 20:10:33:13 Records of tests and inspections.
- 20:10:33:14 Provisioning of adequate and reliable facilities.
- 20:10:33:15 Survivable networks.
- 20:10:33:16 Program required for testing, inspecting, and maintenance.
- 20:10:33:17 Repair of plant and equipment.
- 20:10:33:18 Leakage, loop resistance, and transmission tests.
- 20:10:33:19 Emergency planning.
- 20:10:33:20 Plan required to deal with loss of switch.
- 20:10:33:21 Auxiliary and battery power requirements.
- 20:10:33:22 Central office alarms.
- 20:10:33:23 Prevention of access line service interruptions -- Reestablishment of service - Priority given to customers with medical condition and certain entities.
- 20:10:33:24 Maintenance service interruptions -- Notification.
- 20:10:33:25 Records of access line service interruptions.
- 20:10:33:26 Reporting of trouble reports.
- 20:10:33:27 Customer trouble reports.
- 20:10:33:28 Record of trouble reports.
- 20:10:33:29 Reporting requirements when 911 service is disrupted or impaired.
- 20:10:33:30 Reporting of service disruption or impairment.
- 20:10:33:31 Standards applicable under normal operating conditions.
- 20:10:33:32 Petition for waiver -- Granting of waiver.

23 to 33 (3) Failure to pay for services other than local exchange services not grounds to terminate local exchange service.

20 to 33 (4) Exemption from providing local exchange service when toll services terminated.

20 to 33 (1) Definitions. Terms defined in SDCL 49-31-1 have the same meaning in this chapter, in addition, terms used in this chapter mean:

(1) "Bit," the transmission of telecommunications signals or intelligence in binary form;

(2) "Bits per second," the number of bits passing a specific point per second;

(3) "Busy hour," the hour of the day when the number of calls carried on the telecommunications company's network is the highest;

(4) "dBmC," a ratio expressed in decibels above reference noise;

(5) "Decibel (dB)," a unit of measure of signal strength depicting the relation between a transmitted signal and a standard signal source;

(6) "Hertz," a measurement of frequency in cycles per second; a hertz is one cycle per second; and

(7) "Reference noise," a reference level of noise power.

Source:

General Authority: SDCL 49-31-77, 49-31-85

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85

20 to 33 (2) Level of service provided by local exchange companies. A local exchange company shall furnish and maintain adequate and reliable plant, equipment, and facilities to provide satisfactory transmission and reception of telecommunications services among users in its service area.

Source:

General Authority: SDCL 49-31-77, 49-31-85

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85

20 to 33 (3) Level of service applicable to all subscribers within an exchange. Local exchange access line service furnished by means of line concentrators or subscriber carrier equipment in a given exchange shall be substantially equivalent in technical performance to that furnished to other subscribers in that exchange served by means of normal physical loops.

Source:

General Authority: SDCL 49-31-77, 49-31-85

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-84, 49-31-85

20 to 33 (4) Minimum transmission levels for local exchange service. A local exchange company's subscriber loops shall meet the following minimum transmission levels from the subscriber network interface or demarcation point:

(1) Transmission loss from the central office to the subscriber network interface or demarcation point for existing subscriber loops may not exceed 10 dB at 1004 Hertz. All new, upgraded, or replaced

subscriber loops may not exceed 8dB at 1004 Hertz;

(2) Loop current shall be above 20 milliamperes;

(3) Total external loop resistance, excluding customer premises equipment, may not exceed the basic range requirement of the terminating electronics. Range extension equipment shall be applied to those subscriber loops that are longer than the basic working range of the terminating electronics;

(4) Circuit noise objective on subscriber loops measured at the subscriber network interface or demarcation point shall be equal or less than 20 dBmC;

(5) The minimum data rate shall be 14,400 bps;

(6) The frequency response range shall be 300 Hertz to 3,000 Hertz with an amplitude deviation not to exceed four dB;

(7) The power influence level shall be less than 90 dBmC; and

1. The longitudinal balance shall be greater than 60 dB.

All subscriber loops shall meet these minimum transmission levels by January 1, 2001.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:05. Minimum requirements for new, upgraded, or replaced facilities. Outside plant, including subscriber loops, constructed, upgraded, or replaced after January 1, 1999, shall be able to provide, as built or with additional equipment, transmission and reception of data at a rate no lower than 1 Mbps. New or replacement switching systems installed after January 1, 1999, shall be capable of providing custom calling features. At a minimum, custom calling features must include call waiting, call forwarding, abbreviated dialing, caller identification, and three-way calling. New or replacement switching systems installed after January 1, 1999, shall also be capable of providing enhanced 911 service.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:06. Minimum requirements for channel capacity. A local exchange company shall maintain sufficient central office and interoffice channel capacity plus other necessary facilities to meet the following minimum requirements during any busy hour:

(1) Dial tone within three seconds for 98 percent of call attempts on the switched network;

(2) Correct termination of 98 percent of properly dialed intraoffice or interoffice calls within an extended service area; and

(3) Correct termination of 98 percent of properly dialed calls when the call is routed entirely over the network of the local exchange company.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:11:07. Minimum levels of trunking facilities provided by interexchange companies. Interexchange companies shall design, construct, and maintain sufficient trunking facilities so that at least 98 percent of telephone calls offered to the group will not encounter an all-trunks-busy condition and 98 percent of correctly dialed toll calls are correctly terminated. All interexchange companies which use both line and trunk side connections for access shall have sufficient quantities of extended access service from the local exchange company to maintain acceptable blocking probability for each type of access. A .01 blocking probability is acceptable.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:11:08. Requirements for good engineering practices. The telephone plant of each telecommunications company shall be designed, constructed, installed, maintained, and operated subject to the provisions of applicable electrical safety codes and in accordance with accepted good engineering practices of the telecommunications industry to assure continuity of service, uniformity in the quality of service furnished, and the safety of persons and property.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:11:09. Requirement for sufficient equipment and adequate personnel. Each telecommunications company shall employ prudent management and engineering practices so that sufficient equipment and adequate personnel are available at all times, including busy hours.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:11:10. Required documentation to show sufficient equipment and adequate personnel. Each telecommunications company shall conduct traffic studies, employ reasonable procedures for forecasting future service demand, and maintain records necessary to demonstrate to the commission that sufficient equipment is in use and that an adequate operating workforce is provided. However, average schedule companies are not required to conduct traffic studies. The records shall be available for review by the commission upon request.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:11:11. Assignment of facilities. Each telecommunications company shall employ adequate procedures for assignment of facilities. The assignment records shall be kept up-to-date and checked periodically to determine if adjustments are necessary to maintain proper balance in all trunk and equipment groups. The records shall be available for review by the commission upon request.

Source:**General Authority:** SDCL 49-31-77, 49-31-85.**Law Implemented:** SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:12. Charges for construction of facilities. If required as a condition of a federal Rural Utilities Service loan, a telecommunications company shall furnish telecommunications services to a customer without payment by the customer of any extra charge as a contribution to the cost of construction of facilities needed to provide the services.

Source:**General Authority:** SDCL 49-31-77, 49-31-85.**Law Implemented:** SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:13. Records of tests and inspections. Records of various tests and inspections shall be kept on file in the office of the telecommunications company for a minimum of two years. These records shall show the plant or equipment tested or inspected, the reason for the test, the general result of the test, and any corrections made. The records shall be available for review by the commission upon request.

Source:**General Authority:** SDCL 49-31-77, 49-31-85.**Law Implemented:** SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:14. Provisioning of adequate and reliable facilities. Each local exchange company shall employ prudent management planning practices, including budgeting and prioritization of resource utilization, so that adequate and reliable facilities are in place to supply service to prospective customers in its service territory.

Source:**General Authority:** SDCL 49-31-77, 49-31-85.**Law Implemented:** SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:15. Survivable networks. All telecommunications interexchange facility networks, with the exception of extended area service routes, must be based upon a fully integrated backbone of interconnected, switched survivable rings. Each switch must be directly connected to a diversely routed, fully protected, survivable ring. Each telecommunications company shall offer diverse routing of all of its dedicated interexchange telecommunications traffic. These requirements shall be met by July 1, 2002.

Source:**General Authority:** SDCL 49-31-77, 49-31-85.**Law Implemented:** SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:16. Program required for testing, inspecting, and maintenance. Each telecommunications company shall adopt a program of periodic tests, inspections, and preventive maintenance aimed at achieving efficient operation of its system to permit at all times the rendering of safe, adequate, and continuous service as recognized by general practices within the

telecommunications industry. The programs shall be available for review by the commission upon request.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

10:10:17. Repair of plant and equipment. Each telecommunications company shall keep plant and equipment in a good state of repair consistent with safe and adequate service performance. Broken, damaged, or deteriorated parts which do not meet acceptable operating conditions shall be repaired or replaced. Adjustable apparatus and equipment shall be readjusted promptly when found by preventive routines or fault location tests to be in unsatisfactory operating condition. The presence of inductive interference, cut-offs, intelligible cross-talk, and excessive noise generation by telecommunications system facilities during the provisioning of telecommunications services by the company are symptomatic of inadequate service, and a maintenance program shall be designed to minimize or prevent those occurrences.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

10:10:18. Leakage, loop resistance, and transmission tests. Each telecommunications company shall do periodic leakage tests on all circuits by use of proper instruments to determine that sufficient insulation is being maintained and to discover any service affecting change in insulation values which might cause future service difficulties. Loop resistance and transmission tests shall be made on local circuits when transmission is found to be poor in an attempt to locate the source of trouble.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

10:10:19. Emergency planning. Each telecommunications company shall make reasonable provisions to meet emergencies such as failures of power services, damaged facilities, sudden and prolonged increases in traffic, or from fire, storm, or acts of nature.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

10:10:20. Plan required to deal with loss of switch. Each local exchange company shall develop a general contingency plan to prevent or minimize any service interruptions due to the catastrophic loss of a central office switch, toll switching office, or tandem switching office. The plan shall describe the actions and systems installed to prevent or minimize the probability of such an occurrence as well as describe the actions and systems available to minimize the extent of any incurred service interruption. The plan shall be available for review by the commission upon request.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:21. Auxiliary and battery power requirements. Each local central office, toll switching office, or tandem switching office of a local exchange company shall contain a minimum of eight hours of battery reserve rated for peak traffic load requirements. A permanent auxiliary power unit may be utilized to meet this requirement. In central offices and toll tandem switching offices, a permanent auxiliary power unit shall be installed or a mobile power source shall be available which normally can be delivered and connected within four hours. The remote terminating electronics of a local exchange company shall contain a minimum of eight hours of battery reserve rated for peak traffic load requirements. The batteries shall be tested and reported internally on a regular basis, not to exceed once a year.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:22. Central office alarms. Each central office shall be provided with alarms on a 24 hour, seven day a week basis to indicate improper functioning of telecommunications equipment. All alarms shall be transmitted to an alarm center or to a location that will receive and respond to the alarm condition on a 24 hour, seven day a week basis. All alarms and alarm sensors must be tested and reported internally upon installation of new equipment.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:23. Prevention of access line service interruptions -- Reestablishment of service -- Priority given to customers with medical condition and certain entities. Each local exchange company shall make all reasonable efforts to prevent interruptions of access line service. When interruptions occur, the exchange carrier shall reestablish access line service with the shortest possible delay consistent with the physical conditions encountered, the available work force, and normal safety practices. Priority shall be given to a residential customer who reports to the company that telecommunications service is essential due to an existing medical condition of the customer, a member of the customer's family, or any permanent resident of the premises where service is rendered. Priority shall also be given to entities that report to the company that telecommunications services are needed to protect the public's health, safety, and welfare.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:24. Maintenance service interruptions -- Notification. Local exchange service interruptions due to maintenance requirements shall be done at a time that causes minimal inconvenience to customers. To the extent possible, customers shall be notified in advance by the local exchange company of extended maintenance requirements.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

10:10:31.15. Records of access line service interruptions. Each local exchange company shall keep a record of all access line service interruptions or acute irregularities of access line service whenever reported to it or whenever the duration of a found access line service interruption exceeds 24 hours. The record shall include appropriate identification of the customer or access line service affected and the date, time, duration, extent, and cause of the interruption. The local exchange company shall furnish reports to the commission upon request and shall inform the commission as soon as possible of any occurrence of an unusual nature which apparently will result in over four hours of interruption of access line service to 50 or more customers.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33.26. Reporting of trouble reports. Each local exchange company shall be able to receive trouble reports originated by a customer seven days a week on a 24 hour basis.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33.27. Customer trouble reports. When a customer's service is found to be out of order or a customer reports trouble, the local exchange company shall promptly test its facilities to determine if the problem is with the local exchange company's facilities. If it is, the local exchange company shall correct the trouble promptly. There may be no charge to the customer for testing or correcting a problem found on the local exchange company's facilities. If the trouble is found not to be in the local exchange company's facilities, the local exchange company shall notify the customer promptly.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33.28. Record of trouble reports. Each local exchange company shall keep a record of trouble reports made by its customers. This record shall include appropriate identification of the customers or access line service affected, the time, date, and nature of the report, the action taken, the date and time of trouble clearance or other disposition, and the identification of the person making final disposition. The records shall be retained by the company for a minimum of two years. The local exchange company shall furnish reports to the commission upon request.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33.29. Reporting requirements when 911 service is disrupted or impaired. Each local exchange company shall, immediately upon discovery, report to each 911 public safety answering point serving the affected local service areas, to the local area news media service the affected local service areas, and to the commission pertinent information concerning any specific occurrence or

development which disrupts or impairs customer access to the 911 service within a given 911 system. In addition, each local exchange company shall provide the public safety answering point, the local area news media, and the commission with a time estimation on when the repair to the 911 system will be completed and the 911 service restored.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:30. Reporting of service disruption or impairment. Each local exchange company shall, within one hour of discovery, report to the local area news media serving the affected local serving areas and to the commission, pertinent information concerning any specific occurrence or development which disrupts or impairs the telecommunications service of a substantial number of the local service area's subscribers (the smaller of 25 percent or 2,000 of the local serving area's access lines) for a time period in excess of one hour.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:31. Standards applicable under normal operating conditions. The standards in this chapter establish the minimum acceptable quality of service under normal operating conditions. They do not establish a level of performance to be achieved during emergencies or catastrophes, nor do they apply to extraordinary or abnormal conditions of operation, such as those resulting from work stoppage, civil unrest, or other events. The rules do not include all criteria and they do not establish the most desirable service level for any basic element. If a specific element is not covered, the telecommunications company must meet generally accepted industry standards for that element.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:32. Petition for waiver -- Granting of waiver. Upon petition of a telecommunications company, the commission may grant a waiver of any service standard contained in this chapter. In determining whether to grant a waiver, the commission may consider technical feasibility, whether the standard is unduly economically burdensome, whether the company plans to meet the standard within the near future, and other economic, technical, and public interest considerations.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:33. Failure to pay for services other than local exchange services not grounds to terminate local exchange service. No local exchange company may terminate local exchange service to any customer on the ground that the customer has not paid for services other than local exchange services.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

10:10:33:34. Exemption from providing local exchange service when toll services terminated. Any local exchange company unable to provide local exchange services while terminating toll services may request an exemption from the commission on an exchange by exchange basis by fully documenting the technical reasons for its inability to comply.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

CHAPTER 20:10:34

PROHIBITION AGAINST UNAUTHORIZED SWITCHING OF CARRIERS AND CHARGING FOR UNAUTHORIZED SERVICES

Section

20:10:34:01 Definitions.

20:10:34:02 Requirements for independent third-party verification.

20:10:34:03 Letter of agency form and content.

20:10:34:04 Letter of agency form and content -- Exception for checks.

20:10:34:05 Complaints of unauthorized switching of a telecommunications company.

20:10:34:06 Telecommunications company liability.

20:10:34:07 Refund of charges.

20:10:34:08 Subscriber telecommunications bills -- Charges for change of telecommunications company.

20:10:34:09 Billing requirements.

20:10:34:10 Authorized products or services.

20:10:34:11 Refund of unauthorized charges.

20:10:34:01. Definitions. Terms defined in SDCL 49-31-1 have the same meaning in this chapter. In addition, terms used in this chapter mean:

(1) "Subscriber," the person named on the billing statement or account, or any other person authorized to make changes in the providers of telephone exchange service or telephone toll service.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 37-30A-9, 49-31-3, 49-31-77, 49-31-85.