

20:10:01:09. Service of complaint. ~~If the commission believes that the complaint shows probable cause of an unlawful or unreasonable act, rate, practice, or omission, the~~ The commission shall forward to the respondent a statement of the complaint and a notice requiring the respondent to satisfy the complaint or answer it in writing within 20 days from the date of service of the notice or within such further time as may be specified by the commission.

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11, 49-34A-4.

Law Implemented: SDCL 49-1-11, 49-13-1, 49-34A-4.

Cross-Reference: Manner of service, § 20:10:01:22.03.

20:10:01:11.01. Defenses to complaint. The defense that the complainant does not have a good or sufficient reason for making a complaint, that the complainant is without standing to make the complaint, ~~or that a complaint fails to show probable cause~~ or otherwise fails to conform to this chapter, may be raised by motion to dismiss or answer, at the option of the respondent. All other defenses to the complaint shall be raised by answer. An original and three copies of the motion to dismiss or answer, accompanied by proof of service of a copy thereof on the complainant shall be filed with the commission. The answer shall specifically admit or specifically deny material allegations of the complaint and may also contain a statement of new matters constituting an affirmative defense. If the respondent has no information or belief on the subject sufficient to enable the respondent to answer an allegation of the complaint, the respondent may so state in the answer and place a denial upon that ground.

Source: 2 SDR 56, effective February 2, 1976; transferred from § 20:10:14:15, 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11, 49-34A-4.

Law Implemented: SDCL 49-1-11, 49-13-1, 49-34A-4.

Cross-Reference: Service of complaint, § 20:10:01:09.

20:10:17:03. Information on bills. Bills provided to customers for electric and gas service shall include, but are not limited to, the following information:

- (1) The meter reading and the date the meter was read;
- (2) The number and kinds of units metered;
- (3) Identification of the applicable rate schedule;
- (4) The amount of the bill;
- (5) The date on which the bill will become delinquent;
- (6) The late fee, if applicable;
- (7) The date on which payment must be made in order to avoid the late fee, if applicable;
- (8) If an estimated bill, clear and conspicuous language identifying the bill as an estimated bill;
- (9) Tax, fuel, or power adjustment clause separately itemized, if applicable;

(10) A statement that customer information is available upon request and where it can be obtained.

~~(11) A statement that the customer is responsible for payment of all charges for service rendered.~~

The bill sent to the customer shall include only information related to the customer's account and advertising approved by the commission.

Source: 3 SDR 2, effective July 19, 1976; 12 SDR 86, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-34A-4.

Law Implemented: SDCL 49-34A-3, 49-34A-4, 49-34A-27.

20:10:24:02. Certificate of authority for interexchange service -- Application requirements. Each telecommunications company required to apply for a certificate of authority with the commission pursuant to SDCL 49-31-3 for interexchange service shall provide the following information with the company's application unless the commission grants a waiver to omit a specific item of information:

- (1) The name, address, and telephone number of the applicant;
- (2) The name under which the applicant will provide these services if different than in subdivision (1) of this section;
- (3) If the applicant is a corporation:
 - (a) The state in which it is incorporated, the date of incorporation, and a copy of its certificate of incorporation or, if it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the Secretary of State;
 - (b) The location of its principal office, if any, in this state and the name and address of its current registered agent; and
 - (c) The name and address of each corporation, association, partnership, cooperative, or individual holding a 20 percent or greater ownership or management interest in the applicant corporation and the amount and character of the ownership or management interest;
- (4) If the applicant is a partnership, the name, title, and business address of each partner, both general and limited;
- (5) A description of the telecommunications services the applicant intends to offer;
- (6) A detailed statement of the means by which the applicant will provide its services;
- (7) The geographic areas in which the services will be offered or a map describing the service area;
- (8) Current financial statements of the applicant including a balance sheet, income statement, and cash flow statement; a copy of the applicant's latest annual report; a copy of the applicant's report to stockholders; and a copy of applicant's tariff with the terms and conditions of service;
- (9) The names, addresses, telephone number, fax number, E-mail address, and toll free number of the applicant's representatives to whom all inquiries must be made regarding complaints and regulatory matters and a description of how the applicant handles customer billings and customer service matters;
- (10) A list of the states in which the applicant is registered or certified to provide telecommunications services,

whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable;

(11) A description of how the applicant intends to market its services, its target market, whether the applicant engages in any multilevel marketing, and copies of any company brochures used to assist in the sale of services;

(12) Cost support for rates shown in the company's tariff for all noncompetitive or emerging competitive services;

(13) Federal tax identification number;

(14) The number and nature of complaints filed against the applicant with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;

(15) A written request for waiver of those rules the applicant believes to be inapplicable; and

(16) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the interexchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (2), (7), and (9) and subsection (3)(b) of this section as they occur. If a company revises its tariff, the revised tariff sheets shall be provided to the commission.

Source: 16 SDR 106, effective December 27, 1989; 21 SDR 81, effective November 3, 1994; 22 SDR 107, effective February 18, 1996; 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3.

20:10:32:03. Certificate of authority for local exchange service -- Application requirements. A telecommunications company required to apply for a certificate of authority for local exchange services from the commission shall submit a written application and provide the following information unless the commission grants a waiver to omit a specific item of information:

(1) The applicant's name, address, telephone number, facsimile number, E-mail address, and whether the applicant is a sole proprietorship, partnership, corporation, limited liability corporation, or limited liability partnership;

(2) If a sole proprietorship, the full name and business address of its owner; if a partnership, the full name and business address of each partner; if a corporation, a listing of the full name and business address of each corporate officer and director; if a limited liability corporation, the full name and business address of each member; or, if a limited liability partnership, the full name and business address of each partner;

(3) The name under which applicant will provide local exchange services if different than in subdivision (1) of this section;

(4) If a corporation:

(a) The location of its principal office, if any, in this state and the name and address of its current registered agent;

(b) A list of shareholders owning twenty percent or more of the interest in the business;

(c) The state in which the applicant is incorporated, the date of incorporation, and a copy of its certificate of incorporation; and

(d) If it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the secretary of state;

(5) A description of the applicant's experience providing any telecommunications services in South Dakota or in other jurisdictions, including the types of services provided, and the dates and nature of state or federal authorization to provide the services;

(6) Names and addresses of applicant's affiliates, subsidiaries, and parent organizations, if any;

(7) A list and specific description of the types of services the applicant seeks to offer and the means by which the services will be provided including:

(a) Information indicating the classes of customers the applicant intends to serve;

(b) Information indicating the extent to and time-frame by which applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale;

(c) A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers; and

(d) Information identifying the types of services it seeks authority to provide by reference to the general nature of the service;

(8) A service area map ~~and~~ or narrative description indicating with particularity the geographic area proposed to be served by the applicant;

(9) Information regarding the technical competence of the applicant to provide its proposed local exchange services including:

(a) A description of the education and experience of the applicant's management personnel who will oversee the proposed local exchange services; and

(b) Information regarding policies, personnel, or arrangements made by the applicant which demonstrates the applicant's ability to respond to customer complaints and inquiries promptly and to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements;

(10) Information explaining how the applicant will provide customers with access to emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services;

(11) Financial information including:

(a) For the most recent 12 month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements; and

(b) If a public corporation, the applicant's latest annual report and report to stockholders;

(12) Information detailing the following matters associated with interconnection to provide proposed local exchange services:

(a) The identity of all local exchange carriers with which the applicant plans to interconnect;

- (b) The likely timing of initiation of interconnection service and a statement as to when negotiations for interconnection started or when negotiations are likely to start; and
- (c) A copy of any request for interconnection made by the applicant to any local exchange carrier;
- (13) A tariff or price list indicating the prices, terms, and conditions of each contemplated local service offering;
- (14) Cost support for rates shown in the company's tariff or price list for rate or price regulated noncompetitive or emerging competitive services;
- (15) A description of how the applicant intends to market its local exchange services, its target market, whether the applicant engages in multilevel marketing, and copies of any company brochures that will be used to assist in sale of the services;
- (16) If the applicant is seeking authority to provide local exchange service in the service area of a rural telephone company, the date by which the applicant expects to meet the service obligations imposed pursuant to § 20:10:32:15 and applicant's plans for meeting the service obligations;
- (17) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable;
- (18) The names, addresses, telephone numbers, E-mail addresses, and facsimile numbers of the applicant's representatives to whom all inquiries must be made regarding customer complaints and other regulatory matters;
- (19) Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed local exchange services;
- (20) Information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of local service customers by the applicant, its employees, or agents;
- (21) The number and nature of complaints filed against the applicant with any state or federal commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;
- (22) A written request for waiver of those rules believed to be inapplicable;
- (23) Federal tax identification number; and
- (24) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the local exchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may require the production of an audited financial statement and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (3), (13), and (18) and subsection (4)(a) of this section as they occur. However, a telecommunications company serving less than fifty thousand local exchange subscribers in this state is not required to file cost support information and its tariffs shall be filed for informational purposes only.

Source: 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-69, 49-31-76.