



South Dakota Telecommunications Association
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Rural roots, global connections

September 29, 2004

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**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Ms. Pamela Bonrud, Executive Director
South Dakota Public Utilities Commission
State Capitol Building
500 East Capitol Ave.
Pierre, SD 57501

RE: PUC Docket RM04-001, Midcontinent Communications Petition for
Rulemaking (In the Matter of ARSD § 20:10:33:19)

Dear Ms. Bonrud:

In response to the Notice of Hearing issued in the above referenced Docket, the South Dakota Telecommunications Association ("SDTA") submits the following written comments in order to briefly summarize its position with respect to the proposed amendment of ARSD § 20:10:33:19 which sets forth "auxiliary and battery power requirements" applicable to the provisioning of local exchange telecommunications services.

SDTA would agree with Midcontinent Communications concerning the need for an amendment of the current provisions within ARSD § 20:10:33:19. As SDTA noted at the Commission's hearing in this matter, the current provisions and, in particular, that sentence of the rule which references the "remote terminating electronics" of a local exchange company has led to some confusion insofar as that specific language may be interpreted to apply to only certain types of technologies. So, at least in this respect, language used in the current rule may be too technology specific.

SDTA does see some need to revise the current provisions of ARSD § 20:10:33:19. We do not, however, believe the general substance or emphasis of the rule should be changed and, accordingly, we do not support the rule revisions proposed by Midcontinent.

In regards to the Midcontinent rule proposal, it would substantially alter the current requirements by switching the emphasis from guaranteeing that all customers will have power backup for a minimum of 8 hours, plus or minus 15 percent, to only guaranteeing service, in the event of AC power outages, during "localized power interruptions." The Midcontinent proposal would for "localized power interruptions" require telephone providers to maintain "continuous service" to all local residents (establishing a requirement for certain telephone network equipment that extends beyond the current 8 hour requirement). On the other hand, the Midcontinent proposal fails to contain any specifics with regard to power interruptions that are categorized as catastrophic (where

“commercial power is lost to greater than ten percent of the customers served within an exchange”). For “catastrophic power interruptions,” telephony providers would only be subject to a “best efforts” standard.

SDTA does not support either of these changes. SDTA believes the Commission should continue to insist on battery power backup that is consistent with current battery standards in the industry and which will allow for service to be maintained to all subscribers for some reasonable period should AC power not be available. The Midcontinent proposal may fit well within their current system for providing power backup, but in our view, it permits them to rely too heavily on portable generators and would in a very substantial way dilute the current battery backup requirements.

As was pointed out in our comments at the hearing, it is SDTA’s position that any new rule proposal should not only be “technology neutral,” it should also be “competitively neutral.” The SDTA member LECs have complied with the current 8 hour battery backup requirement for many years and do not wish to see that standard lessened for the benefit of competitive carriers. If the standard is lessened for competitive carriers, these carriers will have a cost advantage in the marketplace and perhaps more importantly, from a service quality standard perspective, for competitive reasons, many carriers may be driven to the lesser standard.

At the hearing, SDTA presented its own proposal for revising the current ARSD § 20:10:33:19 provisions. Attached for the Commission’s convenience is another copy of that rule proposal. We believe this proposal addresses the concerns with the current language in ARSD § 20:10:33:19, but at the same time stays true to the intent of that rule which was to establish reasonably reliable backup power standards.

Thank you for this opportunity to submit further comment regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Coit", written over a circular stamp or seal.

Richard D. Coit
SDTA Executive Director

20:10:33:19. Auxiliary and battery power requirements. For local exchange telecommunications service, the power shall be maintained at the customer's premise interface for power outages of up to 8 hours, plus or minus 15 percent at peak traffic load, regardless if the power outage occurs at the customer's premise or at another location. Permanent electrical storage devices, such as batteries, or electrical generating devices, such as generators, may be utilized to meet this requirement. For all electronics that would result in the loss of local exchange telecommunications service for more than 1,500 access lines in the event of a power outage, a permanent electrical storage device and a permanent electrical generation device shall be required to provide adequate power to these electronics for an indefinite period of time. All electrical storage devices and electrical generating devices shall be tested and reported internally on a regular basis, not to exceed once a year.