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**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

**FAX Received SEP 30 2004**

**VIA FAX: 1-605-773-3809**

Pamela Bonrud  
Executive Director  
SD Public Utilities Commission  
500 E Capitol Avenue  
Pierre SD 57501

RE: PUC Docket RM04-001, Midcontinent Communications Petition for  
Rulemaking (In the Matter of ARSD § 20:10:33:19)  
RCC Minnesota, Inc. GPGN File No. 7401.040099

Dear Ms. Bonrud:

On behalf of RCC Minnesota, Inc. and Wireless Alliance, L.L.C., both doing business as Unicel, (hereinafter "RCC"), this letter is to serve as comments to the proposed changes to ARSD § 20:10:33:19.

RCC maintains a high quality service in South Dakota and desires to provide all necessary backup to ensure services provided to its consumers continue during any power outage. Still, the current proposed amendments to ARSD § 20:10:33:19 do not take into account the existing wireless architecture based on RCC's experience. The proposed new sentence at the end of that regulation states: "All wireless or cellular tower electronics shall be considered a tandem switching office for the applicability of this rule." By including all wireless or cellular tower electronics, the rule becomes overly broad and reaches beyond what is being required of land line companies.

As way of background, wireless systems generally have critical sites and secondary sites and switches. Currently, RCC's switches have eight (8) hours of backup and a diesel generator on site. Thus, RCC's switches meet the rule as proposed. Therefore, if the last sentence to the proposed rule would be changed to state: "All wireless or cellular switches shall be considered a tandem switching office for the applicability of this rule," RCC would not have an objection. However, the rule as currently proposed appears to apply to every cellular tower and, perhaps, site. Most of RCC's towers and sites have six (6) hours of backup. Critical locations also have a generator on site.

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It must be remembered that wireless consumers are often served by more than one site or tower. This means that putting increased power restrictions on every site or tower becomes impractical and unnecessary. In RCC's history in the 14 states where it operates, it has never experienced a system-wide outage. For those towers or sites that only have six (6) hours of backup and no generator on site, RCC keeps a number of portable generators in the area that can be moved to the location so the cell site is able to operate continuously until electricity is restored. Of course, the fact that the switches have an onsite generator, as do primary towers, generators would not have to be transported to those locations.

Finally, the rule, as written, does not take into consideration the technical and functional differences that exist between a land line provider and a wireless provider. While it would make sense that all switches would be treated the same, the delivery systems to those switches are in fact being treated differently under the rule as currently proposed. For example, RCC has both towers and cell sites. A cell site might be an antenna on a building but it is not a tower location. The rule would appear to apply to a cell site that is being installed on a building simply to fill a coverage hole in a community. Both the sites and the towers pick up calls and route them to a switch. The towers and the sites are essentially acting the same as the phone lines from someone's house to a switch. If a disruption occurs of a land line, such as what is currently occurring in Sioux Falls, South Dakota, a land line provider may take several days to provide service. Conversely, disruption in power to an antenna or a tower will not totally disrupt service, especially in the majority of situations where consumers have use of multiple towers.

Again, RCC does not object to switches meeting these power backup rules. RCC does contest the fact that the rule as written appears to apply to every antenna it has installed. Placing the cost of providing these types of power generation or battery backup at every site or tower will unnecessarily increase the cost of expansion of services. If it is the Commission's desire to set certain battery backup standards for wireless sites and wireless towers, it would be more appropriate to do that in a different rule specific to those types of operations and design the rule in such a way so as not to discourage the placement of antennas or towers, or increase the costs unnecessarily.

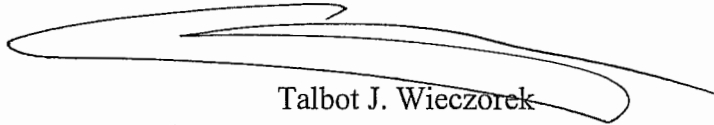
RCC recognizes that the proposed rule is an attempt to ensure continuous service in a case of a localized power outage. Still, RCC cannot reconcile how a land line company can be deemed to be maintaining continuous service when a tree may fall and knock out a line or where lines may be cut, but if a power outage puts down one tower of a wireless provider, knocking out the same amount of consumer's homes, the wireless provider would be deemed in violation of the rule. This is especially troublesome given the fact that the consumers would still be able to use their cell phone off of other towers or while traveling.

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RCC would request that the last sentence to the proposed regulation be stricken or, limited to wireless or cellular switches. RCC stands ready to provide additional information concerning these issues should the Commission have any questions.

Sincerely,



Talbot J. Wiczorek

TJW:klw

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