



Vantage Point

Customer Focused. Technology Driven.

May 23, 2006

Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

RE: In the Matter of the Adoption of Rules Regarding Eligibility Certification and
Reporting Requirements for Eligible Telecommunications Carriers,
Docket No. RM 06-001

Dear Ms. Van Gerpen,

Enclosed for filing are the original and ten copies of Vantage Point Solutions' Comments
in the above-referenced matter.

Sincerely,

Doug Eidahl
VP of Consulting
Vantage Point Solutions, Inc.

Enclosures: 10 copies

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE ADOPTION OF
RULES REGARDING ELIGIBILITY
CERTIFICATION AND REPORTING
REQUIREMENTS FOR ELIGIBLE
TELECOMMUNICATIONS CARRIERS**

DOCKET No. RM 06-001

VANTAGE POINT SOLUTIONS SDPUC ETC RULES COMMENTS

VANTAGE POINT SOLUTIONS FILES THE FOLLOWING COMMENTS IN THIS MATTER:

1) 20:10:32:43.02 SUBMISSION OF TWO-YEAR PLAN

In the FCC's Report and Order on the Federal-State Joint Board on Universal Service recommendations regarding the minimum requirements for designation as an "eligible telecommunications carrier" (ETC) to receive universal service support, the FCC made several important decisions and made note of a number of important facts that we believe should be considered in this rulemaking. In pertinent part, the FCC requires the submission of a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network (47 CFR Ch. 1 § 54.202(a)(1)(ii)).

The South Dakota Public Utilities Commission (Commission) in these rules is proposing a lesser requirement of a two-year plan instead. We believe that the

longer FCC five-year plan should be incorporated into the new rules and the eligibility requirements for South Dakota as well. A five-year plan would encourage more thorough network planning and forethought by ETCs and would result in better long term network investments in South Dakota, which would better serve South Dakota consumers.

2) 20:10:32:43.03 DEMONSTRATION OF ABILITY TO REMAIN FUNCTIONAL IN EMERGENCY SITUATIONS

The requirement to demonstrate “that it has a **reasonable** amount of back-up power to ensure functionality without an external power source...” is too vague. We believe the Commission should define “reasonable” in this situation as a minimum of 8 hours consistent with the Commission’s current service standard rule found in ARSD 20:10:33:19.

3) 20:10:32:43.04 DEMONSTRATION OF ABILITY TO SATISFY CONSUMER PROTECTION AND SERVICE QUALITY STANDARDS

We believe that the statement, “A commitment by wireless applicants to comply with the Cellular Telecommunications and Internet Association’s Consumer Code for Wireless Service **may** satisfy this requirement,” should be changed to comply with the current Commission standards in order to eliminate any conflicts in requirements for different providers. All ETCs should comply with the Commission’s current service standard rules found at ARSD 20:10:33. There should not be different

network or technology requirements for different providers. One standard should apply to all. The CTIA Consumer Code is not needed when the Commission already has service standards.

4) 20:10:32:43.05 OFFERING OF COMPARABLE LOCAL USAGE PLAN

The requirement to “demonstrate that it offers a local usage plan **comparable** to the one offered by the incumbent local exchange carrier...” is vague. Does it mean comparable in price, calling scope, flat usage for one rate or some other manner? Although similar language is used in the FCC rules, “comparable” should be defined in more detail.

5) 20:10:32:43.07 PUBLIC INTEREST STANDARD

We believe that, as part of the public interest standard, the impact on the USF fund should also be emphasized and considered. The ability to maintain the fund is a real and growing concern and should play an important part in this decision-making process on the granting of ETC status to other providers.

6) 20:10:32:48 RELINQUISHMENT OF ELIGIBLE TELECOMMUNICATIONS CARRIER STATUS

No timeframe is established in this requirement. We believe that the timeframe established in the FCC rules, “a time, not to exceed one year after the state commission approves such relinquishment under this section, within which such purchase or construction shall be completed,” [47 CFR § 54.205(b)] should be included in South Dakota’s rules as well.

7) 20:10:32:51 USE OF UNIVERSAL SERVICE SUPPORT

The statement that an ETC shall use the support for “services for which the support is intended” is too vague. We believe that the Commission should ensure that the services are those that are part of USF by more narrowly defining the services to be consistent with 47 CFR § 54.101.

8) 20:10:32:54 CERTIFICATION REQUIREMENTS

- a) Paragraph (1) again refers to a two-year service quality improvement plan. As stated in item #1 above, we believe that this should be a 5-year plan.
- b) We believe the word “potentially” should be removed from paragraph (2) in the statement, “The outage must **potentially** affect at least ten percent...”. This term is too vague and is not needed.
- c) In paragraph (5) the statement, “applicable service quality standards” should also include a reference to the Commission’s current South Dakota service standards already set by the Commission in ARSD Chapter 20:10:33.
- d) We believe that paragraph (7)’s reference to a “local usage plan comparable to that offered by the incumbent local exchange carrier” should define comparable, as stated previously in Item #4 above.

9) 20:10:32:55 LIFELINE AND LINK-UP ADVERTISING REQUIREMENTS – ANNUAL REPORT ON OUTREACH EFFORTS

We believe that the requirement to submit an annual "detailed report on its outreach efforts" is too burdensome and should be required only upon request as needed. Many South Dakota LECs advertise Lifeline and Link-Up services via their newsletters, websites, bill inserts, newspapers and other methods. Rather than require yet another annual report, the Commission could perform spot checks from time to time as desired. A new annual reporting requirement would be excessive.

THEREFORE Vantage Point Solutions requests that, for the reasons set out above, the Commission revise the proposed rules as described in these comments.

DATED this 23rd day of May, 2006.

VANTAGE POINT SOLUTIONS

By: 

Doug Eidahl

VP of Consulting

Vantage Point Solutions, Inc.

1801 N. Main St.

Mitchell, SD 57301

Tel.: (605) 995-1750

Fax: (605) 995-1778

Doug.Eidahl@VantagePnt.com