



Communications

P.O. Box 506
130 So. 9th

Worland, Wyoming 82401



307-347-7000
307-347-6366 Fax

TC97-199

December 18, 1997

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

RECEIVED

DEC 23 1997

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

**Re: Application of RT Communications, Inc. for
designation as an Eligible Telecommunications Carrier**

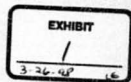
To the Commission:

The Telecommunications Act of 1996 ("1996 Act") directed that the Federal Communications Commission ("FCC"), as well as the various state commissions, should take the necessary steps to establish support mechanisms in order to ensure the deliverability of affordable telecommunications service to all Americans, including low income consumers, eligible schools and libraries, rural health care providers, and rural consumers. Specifically, Congress directed the FCC and the various state commissions to devise methods to ensure that "consumers in all regions of the Nation, including low income consumers and those in rural, insular, and high cost areas . . . have access to telecommunications and information services . . . at rates that are reasonably comparable to rates charged for similar services in urban areas." 47 U.S.C. § 254(b)(3).

Consistent with its intent to ensure the deliverability of affordable telecommunications service to all Americans, the 1996 Act addressed the continued viability of a Universal Service Fund and the funding of this support mechanism. The 1996 Act further addressed the designation of eligible telecommunications carriers which are to receive support from the fund.

The 1996 Act provides, at 47 U.S.C. § 214(e)(2) as follows:

Designation of Eligible Telecommunications Carriers. -- A State Commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the State Commission. Upon request, and consistent with the public interest, convenience, and necessity, the State



Commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State Commission, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State Commission shall find that the designation is in the public interest.

* * *

(5) **Service Area Defined.** -- The term "service area" means a geographic area established by a State Commission for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State joint board instituted under § 410(c), establish a different definition of service area for such company.

In addition to defining designated carriers, Congress in the 1996 Act required the FCC to establish rules and regulations to ensure the continued viability of the universal service support system. Accordingly, the FCC on May 8, 1997, issued its Report and Order in FCC 97-157, wherein it commented on the rules and regulations promulgated to achieve the requirements of the 1996 Act. In setting forth these regulations, the FCC stated that it was putting in place a universal service support system that would accomplish four critical goals, including:

First, implementation of universal service objectives for low income individuals, consumers in rural, insular, and high cost areas, schools, library, and rural health care providers.

Second, the maintenance of rates for basic residential service at affordable levels.

Third, the continuation of affordable basic service through explicit universal service funding.

Fourth, the promotion of the benefits of competition to as many consumers as possible.

In setting forth its regulations, the FCC observed that Congress had placed on it the duty to preserve and advance universal service consistent with joint federal and state action. Consistent with this mandate, the FCC noted that its rules were adopted to maintain rates at an affordable level to benefit everyone in the country and to increase the number of people connected to the telecommunications network. The FCC noted:

8. Universal support mechanisms that are designated to increase subscribership by keeping rates affordable will benefit everyone in the country, including those who can afford basic telephone service. At the simplest level, increasing the number of people connected to the telecommunications network makes the network more valuable to all of its users by increasing its usefulness to them. Increasing subscribership also benefits society in ways unrelated to the value of the network, *per se*. For example, all of us benefit from the widespread availability of basic public safety services, such as 911.

In its order, the FCC noted that § 214(e)(1)(A) required an eligible carrier receiving funding from the universal support system to offer services that are supported by the support mechanism. Accordingly, the FCC adopted the joint board's recommendation that an eligible telecommunications carrier be required to offer all of the services designated for universal service support. With some limitation, the FCC required that an eligible carrier be able to provide the following supportable services: voice grade access to the public switch network, with the ability

to place and receive calls; dual tone multi-frequency (DTMF) signaling, or its functional equivalent; single party service; access to emergency services, including in some instances, access to 911 and enhanced 911 (E911) services; access to operator services, access to interexchange services; access to directory assistance; and toll limitation services for qualifying low income consumers. These required services are delineated in 47 C.F.R. § 54.101.

Pursuant to 47 U.S.C. § 214(e)(2), RT Communications, Inc., 130 South 9th, Worland, Wyoming, 82401, hereby requests that it be designated as an eligible carrier pursuant to the 1996 Act. As an eligible telecommunications carrier, the applicant would request to be designated for that service area established by the South Dakota Public Utilities Commission consistent with the public interest and co-extensive with the applicant's certificate of public convenience and necessity as presently established by the Commission.

Except and unless stated below, the applicant would aver that it is a common carrier entitled to the eligible telecommunications carrier designation as established by 47 U.S.C. § 214 in that it shall throughout its service area; offer the services that are supported by federal universal service support mechanisms under 47 U.S.C. § 254(c), either using its own facilities or a combination of its own facilities or the resale of another carrier's services; and it will advertise the availability of such services and the charges therefore using media of general distribution.

Applicant would also aver that as to the requirement that an eligible telecommunications carrier offer each of the services set forth in 47 C.F.R. § 54.101 (a), RT Communications has provided digital interexchange communications and digital switching connectivity to its customers for the most part, but given the expense involved and the technical limit of existing equipment, applicant presently provides toll limitations services such as toll blocking, but cannot provide toll control.

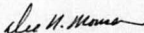
In sum, RT Communications, Inc., would request that it be designated as an eligible telecommunications carrier in that service territory or area presently designated by this Commission co-extensive with the applicant's certificate of public convenience and necessity. In this regard, applicant avers that it is offering the services supported by federal universal service support mechanisms except as

South Dakota Public Utilities Commission
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Page 5

referenced above. Attached to this letter is the Notice and Order designating RT Communications as an Eligible Telecommunications Carrier in the State of Wyoming issued by the Wyoming Public Service Commission for your reference.

If there are questions concerning this application, the Commission is invited to contact the undersigned or Mr. Bruce S. Asay, Associated Legal Group, 1807 Capitol Avenue, Suite 205, Cheyenne, Wyoming, 82001, (307) 632-2888, counsel for RT Communications.

Sincerely,



Dee N. Monsen
Vice President and General Manager
RT Communications, Inc.

DNM:cas

Attachments

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

IN THE MATTER OF THE APPLICATION)
OF RT COMMUNICATIONS, INC. FOR)
DESIGNATION AS AN ELIGIBLE) DOCKET NO. 70015-TA-97-11
TELECOMMUNICATIONS CARRIER)

NOTICE AND ORDER
(Issued September 2, 1997)

This matter is before the Commission upon the application of RT Communications, Inc., hereinafter referred to as RT or the Company, requesting that the Commission designate it as an exclusive eligible telecommunications carrier pursuant to the provisions of 47 U.S.C. 214(e)(2). The Commission, having reviewed the application, applicable law, and being otherwise fully advised in the premises, FINDS and CONCLUDES:

1. RT is a telecommunications company as defined by W.S. § 37-15-103(a)(xi) and, as such, subject to the Commission's jurisdiction pursuant to the provisions of W.S. § 37-15-401.

2. On June 24, 1997, RT filed this application requesting that the Commission designate it as the exclusive eligible telecommunications carrier for its existing service territory pursuant to the provisions of 47 U.S.C. 214(e)(2). The Company further requested a waiver of the requirement to provide single-party service due to the fact that the Company has not yet completed upgrades necessary to eliminate multi-party service throughout its service territory.

3. 47 U.S.C. 214(e)(2) grants state commissions the authority to confer eligible carrier status to telecommunications companies which meet certain criteria based upon a public interest finding. Such designation is required, pursuant to the provisions of 47

U.S.C. 214(e)(1), in order for a telecommunications company to be eligible to receive federal universal service support.

4. 47 U.S.C. 214(e)(1) sets forth the criteria which must be met in order for a telecommunications company to qualify for an eligible telecommunications carrier designation. According to this statute, eligible telecommunications carriers must:

"offer the services that are supported by Federal universal service support mechanisms . . . either using its own facilities or a combination of its own facilities and resale of another carrier's services . . . and . . . advertise the availability of such services and the charges therefor using media of general distribution."

5. RT provides and will advertise the availability of and prices for the following services which are eligible for federal universal service support pursuant to the rules of the Federal Communications Commission: voice grade access to the public switched network, with the ability to place and receive calls; dual tone multi-frequency signaling, or its functional equivalent; single-party service; access to operator services; access to interexchange services; access to directory assistance and toll limitation services for qualified low income customers. Waivers of the single-party service requirement are permissible, upon a finding of "exceptional circumstances" pursuant to the provisions found in paragraph 89 of the Federal Communications Commission's May 8, 1997, order in CC Docket No. 96-45.

6. With the exception of single-party service, as discussed below, RT meets the criteria established for eligible telecommunications carriers. Therefore, the Commission finds that the designation of the Company as an eligible telecommunications carrier, for its existing service territory, is consistent with the public interest.

7. Pursuant to the provisions of 47 U.S.C. 214(e)(2) the Commission has the

discretion to designate more than one eligible telecommunications carrier for a given service territory. An additional public interest finding is required in order to designate an additional eligible telecommunications carrier for an area served by a rural telephone company. RT is a rural telephone company. In light of the requirements associated with designating an additional eligible telecommunications carrier for the Company's existing service territory, the Commission finds that the Company's request that it receive an exclusive eligible carrier designation is premature at this time. The issue of exclusivity will be addressed by the Commission at such time another carrier applies for eligible carrier status for the Company's service territory.

8. RT has requested a waiver of the single-party service requirement noting that it is still in the process of upgrading its network. Multi-party services still exist in the Company's Worland, Hulett, Burns, Carpenter, Newcastle, Moorcroft, Thermopolis and Shoshoni exchanges. The Company has indicated that its current construction schedule will have the last of the multi-party services converted to single-party service during the third quarter of 1999.

9. The Commission is aware of RT's construction plans which will result in the upgrading of the exchanges which the Company purchased from U S WEST Communications. The Commission, therefore, finds adequate cause to determine that "exceptional circumstances" exist which warrant the granting of a waiver of the single-party service requirement through December 31, 1999.

10. RT's application is on file with the Commission at its offices located in Cheyenne, Wyoming and at the Company's offices located in Worland, Wyoming and may be inspected by any interested person during regular business hours.

11. Anyone desiring to file a statement, protest or request a hearing with regard to this matter must do so on or before October 2, 1997.

12. If you wish to intervene in this matter and you require reasonable accommodation for a disability, please contact the Commission at (307) 777-7427 (voice or TTY) in Cheyenne during regular business hours or write to them at 2515 Warren Avenue, Suite 300, Cheyenne, Wyoming 82002, to make arrangements. Communications impaired persons may also contact the Commission by accessing Wyoming Relay at 1-800-877-9965. Please mention the docket number in your communications. Please contact us as soon as possible to help us serve you better.

13. The Commission directs that the public notice in this matter be in the following form:

PUBLIC NOTICE

RT Communications Inc. (RT) has applied to the Wyoming Public Service Commission (PSC) requesting that the Commission designate it as the exclusive telecommunication carrier for its existing service territory pursuant to the provisions of 14 U.S.C. 214(e)(2). The Company further requested a waiver of the requirement to provide single-party service due to the fact that the Company has not yet completed upgrades necessary to eliminate multi-party service throughout its service territory.

You may review RT's application at the PSC or at RT's offices in Worland, Wyoming during regular business hours.

To intervene, request a hearing, file a statement or protest this application, you must file with the PSC, mentioning Docket No. 70015-TA-97-11, on or before October 2, 1997.

If you wish to participate and require reasonable accommodation for a disability, call the PSC at (307) 777-7427 or write to the PSC at 2515 Warren Avenue, Suite 300, Cheyenne, Wyoming 82002. Communications impaired persons may contact the PSC through Wyoming Relay at 1-800-877-9965.

Dated September 2, 1997.

IT IS THEREFORE ORDERED THAT:

1. Pursuant to open meeting action taken on July 21, 1997, the Commission hereby designates RT Communications as an eligible telecommunications carrier, pursuant to the provisions of 47 U.S.C. 214(e)(2) for the service territory for which it holds a Certificate Public Convenience and Necessity, issued by the Commission, as of the date of this Notice and Order, subject to notice, protest, opportunity for hearing and further Order.

2. RT Communications is further, granted a waiver of the single-party service requirement through December 31, 1999.

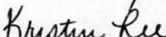
3. This Notice and Order is effective immediately.

MADE and ENTERED at Cheyenne, Wyoming this 2nd day of September, 1997.

PUBLIC SERVICE COMMISSION OF WYOMING



STEVE ELLENBECKER, Chairman



KRISTIN H. LEE, Commissioner



ATTEST:



IVAN H. WILLIAMS, Assistant Secretary



Communications

P.O. Box 506
130 So. 9th

Worland, Wyoming 82401


307-347-7000
307-347-6366 Fax

December 19, 1997

Sheryl Todd
Federal Communications Commission
Universal Service Branch
CC Docket No. 96-45
8th Floor
2100 M Street, N.W.
Washington, D. C. 20554

South Dakota Public Utilities Commission
State Capitol
500 East Capitol Street
Pierre, S.D. 57501

Director - Universal Service Programs
Universal Service Administrative Company
100 South Jefferson Road
Whippany, NJ 07981

RECEIVED

DEC 23 1997

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

RE: Certification for Universal Service Fund Support

The Telecommunications Act of 1996 and its implementing regulations require that a rural telephone company qualify as a rural telephone company as defined by the Act in order to receive universal service fund support. Accordingly, RT Communications, Inc., by this letter and attached affirmation, is notifying the South Dakota Public Utilities Commission, and in turn the Federal Communications Commission that it is a rural telephone company as defined by the Act and implementing regulations.

A rural telephone company is defined in 47 C.F.R. Section 51.5 as follows:

Rural Telephone Company. A "Rural Telephone Company" is an LEC operating entity to the extent that such entity:

- (1) provides common carrier service to any local exchange carrier study area that does not include either:
 - (i) any incorporated place of 10,000 inhabitants or more, or any part thereof, based on the most recently available population statistics of the Bureau of the Census; or
 - (ii) any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of the Census as of August 10, 1993.

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Sheryl Todd, South Dakota PUC, Director-Universal Service Programs
December 19, 1997

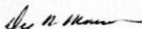
(2) provides telephone exchange service, including exchange access, to fewer than 50,000 access lines;

(3) provides telephone exchange service to any local exchange carrier study area with fewer than 100,000 access lines; or

() has less than 15% of its access lines in communities of more than 50,000 on February 8, 1996.

Consistent with the definition of a rural telephone company as established in the Code of Federal Regulations, RT Communications, Inc., certifies by this correspondence and attached affirmation that it is a rural telephone company as defined by the regulation, 47 C.F.R. Section 51.5, and that it meets at least one of the four criteria identified in the regulation. Specifically, as RT Communications, Inc., provides telephone exchange service to access lines in rural South Dakota, and to incorporated places with not more than 10,000 inhabitants, the company meets the criteria established in 1 through 4 as referenced above. Therefore, RT Communications, Inc., should be considered a rural telephone company as defined in the Act and implementing regulations.

Sincerely,



Dee N. Monsen
General Manager

DNM/cas
Enclosure

cc: The Office of the Secretary
CC Docket No. 96-45
Federal Communications Commission
Room 222
1919 M Street
Washington, D.C. 20554

AFFIRMATION

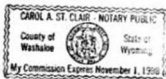
Dee N. Monsen, being first duly sworn and upon his oath, states that he is the General Manager and Vice President of RT Communications, Inc., that he is authorized to execute this Affirmation on behalf of RT Communications, Inc.; that the facts set forth in the ATTACHED correspondence of even date are true and correct to the best of his knowledge, information and belief, such that the company is a rural telephone company as defined in the Telecommunications Act of 1996 and its implementing regulations.

DATED this 17 day of December, 1997.

Dee N. Monsen
Dee N. Monsen
General Manager and Vice President
RT Communications, Inc.

STATE OF WYOMING)
 : ss.
COUNTY OF WASHAKIE)

SUBSCRIBED AND SWORN to before me this 17 day of December, 1997.



Carol A. St. Clair
NOTARY PUBLIC

South Dakota
Public Utilities Commission
State Capitol 500 E. Capitol
Pierre, SD 57501-5070
Phone: (605) 773-3705
Fax: (605) 773-3809

TELECOMMUNICATIONS SERVICE FILINGS

These are the telecommunications service filings that the Commission has received for the period of:

12/19/97 through 12/23/97

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five days of this filing.

DOCKET NUMBER	TITLE/STAFF/SYNOPSIS	DATE FILED	INTERVENTION DEADLINE
REQUEST FOR CERTIFICATE OF AUTHORITY			
TC97-196	Application by Eclipse Communication Corp for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/KC) "Eclipse seeks authority to provide a full range of interexchange services, including MTS, toll free 800/888, calling card, debit card and operator-assisted services. Applicant also seeks authority to provide resold and facilities-based local exchange services to consumers on a statewide basis. Eclipse may also offer local services by utilizing the switching and transport capacity of other existing telecommunications providers pursuant to negotiated or tariffed arrangements. Eclipse proposes to provide service to all exchanges currently served by U S WEST."	12/19/97	01/09/98
TC97-197	Application by ASC Telecom, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/CH) "ASC intends to provide as its initial services "operator services" and "prepaid card" services. ASC also hereby certifies that it is complying with all requirements established under the Telephone Operator Consumer Services Improvement Act of 1990."	12/19/97	01/09/98
TC97-198	Application by TeleHub Network Services Corporation for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: DJ/KC) "Applicant seeks statewide authority to offer inbound, outbound, conference, directory assistance, calling card, prepaid calling card, and private line services to presubscribed business customers and residential customers in the State of South Dakota. Applicant does not and will not offer alternative operator services."	12/22/97	01/09/98
REQUEST FOR ELIGIBLE TELECOMMUNICATIONS COMPANY STATUS			
TC97-199	RT Communications, Inc. pursuant to 47 U.S.C. 214(e) and 47 C.F.R. 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. (Staff: HB/CH)	12/23/97	12/29/97

Important Notice: The Commission is compiling a list of internet addresses. If you have an internet address please notify the Commission by E-mailing it to Terry Norum at: terry@pub.state.sd.us Faxing the address to the Commission at: 605-773-3809



Communications

P.O. Box 506
130 So. 9th

Worland, Wyoming 82401

307-347-7000
307-347-6366 Fax

TC 97-199

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DEC 29 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

December 24, 1997

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

RE: RT Communications, Inc.
Eligible Telecommunications Carrier Certification

To the Commission:

Enclosed please find an executed certification form as an eligible telecommunications carrier for RT Communications, Inc.

If there are questions concerning this certification, the Commission is invited to contact the undersigned or Mr. Bruce S. Asay, Associated Legal Group, 1807 Capitol Avenue, Suite 205, Cheyenne, Wyoming 82001, (307) 632-2888, counsel for RT Communications.

Sincerely,

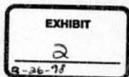
Gordon Dye

Gordon Dye
Assistant Manager

GD/eas

Enclosure

for file 632-2828



CERTIFICATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER

I, Gordon Dye, the Assistant Manager for RT Communications, Inc., Worland, Wyoming, do hereby certify as follows:

1. RT Communications, Inc., is an eligible carrier as defined by federal statute and regulation. RT Communications, Inc., provides the following services:
 - a. voice grade access to the public switched network;
 - b. local exchange service including an amount of local usage free of per minute charges under a flat rated local service package; or measured service which includes local usage;
 - c. DTMF (touchtone);
 - d. single party service to all South Dakota customers;
 - e. access to E-911 emergency service where the locality has implemented it;
 - f. access to operator services;
 - g. access to interexchange services;
 - h. access to directory assistance;
 - i. toll limitation as defined in the company's application.
2. RT Communications, Inc., provides these services utilizing its own facilities and will advertise the availability of these services as referenced in its application to the Commission.
3. Lifeline and Link Up to low income as adopted on 5/7/97 as part of the FCC US Report and Order in CC-96-45.

DATED this 24 day of December, 1997.

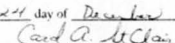


Gordon Dye
Assistant Manager
RT Communications, Inc.

STATE OF WYOMING)
) ss.
COUNTY OF WASHAKIE)

SUBSCRIBED AND SWORN to before me this 24 day of December, 1997.





Carol A. St. Clair
NOTARY PUBLIC

100-501-0420

TC97-199



December 31, 1997

Harlan Best
South Dak. Public Utilities Commission
State Capitol
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

RECEIVED
JAN 05 1998
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

RE: RT Lifeline/Linkup Services

Dear Harlan:

RT Communications has filed, and received approval from the Wyoming Public Service Commission (WPSC), a tariff which offers lifeline and linkup services to its customers. These services are required for the Company to receive federal Universal Service Funds (USF) from NECA in 1998. RT requests that these Wyoming tariff sheets be adopted by the South Dakota Public Utilities Commission (PUC) as applicable to the approximately 65 customers served by RT in South Dakota. An original and four copies of these tariff sheets are enclosed.

In light of the relatively few customers the Company services in South Dakota, RT believes that maintaining duplicate tariffs in both states causes unnecessary administrative costs in maintaining the tariffs and providing differential administrative treatment of similarly situated customers. Although not proposed at this time RT would ultimately like to propose that South Dakota adopt the Wyoming Tariff in its entirety.

Given the South Dakota Commission's approval, these sheets will be effective as of January 1, 1998. If approval is granted after the passing of this date, RT requests that the effective date be applied retroactively.

If you have any questions or concerns regarding this information, please give me a call at (719) 594-5831.

Sincerely,

David Clark

encl.

cc: D. Monsen, RT Communications

EXHIBIT
3
3-26-98 LC

GVNW INC./MANAGEMENT

2270 La Montaña Way (80918) P.O. Box 25969 (80936) Colorado Springs, CO (719) 594-5800 FAX: (719) 599-0068

RT COMMUNICATIONS, INC.

EXCHANGE TARIFF
WYOMING

SECTION 5
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Release 2

Issued: October 15, 1997

Effective: January 1, 1998

5. EXCHANGE SERVICES

5.2 LOCAL EXCHANGE SERVICE (Cont'd)

5.2.6 LOW-INCOME ASSISTANCE PROGRAMS

A. Telephone Assistance Program

1. Definition

The Telephone Assistance Program (TAP) provides for a discount on the recurring monthly rate for the provision of local residential service for certain Medicaid eligible customers.

2. Application

- a. The TAP discount is only available to residence customers who meet eligibility requirements established by Senate Enrolled Act No. 45, enacted by the Wyoming legislature in 1991. To be considered eligible, the applicant must receive Medicaid benefits under Title XIX of the Social Security Act. Subscription to expanded services will only be allowed at the principal residence of these recipient physically handicapped subscribers certified by the Wyoming Department of Health and Social Services.

- b. Eligible Lifeline/TAP subscribers will receive credits or discounts to the normal local rates as follows:

Residential Access Line	Monthly Credit or Discount
Federal Baseline Lifeline Reduction	\$3.50
Federally Funded Reduction in Local Rate	\$1.75
State Matching Local Rate Reduction	\$3.50
Federal Matching of State Reduction	\$1.75

(C)
(C)
(N)
|
(N)

The discount will be applicable to the following local exchange services:

- Individual flat rate residential service.
- Flat multiparty residential service.
- Service station residential service.

In no case will the discount exceed the rate charged for the grade of residential service subscribed to by each individual.

RT COMMUNICATIONS, INC.

EXCHANGE TARIFF
WYOMING

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Issued: October 15, 1997

Effective: January 1, 1998

5. EXCHANGE SERVICES

5.2 LOCAL EXCHANGE SERVICE

5.2.6 LOW-INCOME ASSISTANCE PROGRAMS

A. Telephone Assistance Program (Cont'd)

2. Application

- c. Services covered under the Lifeline/TAP offering include
 - i. Voice grade access to the Public Switched Network
 - ii. Access to emergency services
 - iii. Access to operator services
 - iv. Access to Interexchange services, unless toll blocking is chosen
 - v. Access to directory assistance
 - vi. Toll blocking

(N)

(N)

3. Funding

The total cost of providing the Telephone Assistance Program shall be funded from a uniform monthly surcharge of \$02 to each residential access line and each business access line, not to exceed one hundred (100) lines per customer.

(I)

4. Regulations

- a. The TAP discount will begin with the date the Company receives a valid application from the customer or when new service is established for a qualifying customer. The discount will be prorated on the basis of a 30-day month from the effective date of the customer's application.
- b. The regular service and equipment charges and regulations applicable to the service offerings specified in 5.2.6 will apply for initial service establishment. Eligible subscribers may request the Link Up plans identified in (B) below. The service and equipment charges for current subscribers to change to or from this program due to eligibility status will be waived.
- c. The discount is applicable only to a single residence line at the principal residence of the eligible subscriber.
- d. Customers must provide recertification from the appropriate agency for which they qualify for the Lifeline/TAP service and must notify the Company when they are no longer participants in the Program.
- e. Lifeline will not be furnished on Foreign Exchange (FEX) circuits.

(C)

(C)

(D)

(N)

(N)

RT COMMUNICATIONS, INC.

EXCHANGE TARIFF
WYOMING

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Release 3

Issued: October 15, 1997

Effective: January 1, 1998

5. EXCHANGE SERVICES

5.2 LOCAL EXCHANGE SERVICE

5.2.6 LOW-INCOME ASSISTANCE PROGRAMS

A. Telephone Assistance Program (Cont'd)

5. Rates and Charges

- a. Local service options as identified in 5.2.6.A.2.b. will be applicable for the Lifeline discounts. Discounts will be applied to the class of service chosen by the customer up to the amount charged for that class of service.

(C)

(D)

(D)

RT COMMUNICATIONS, INC.

EXCHANGE TARIFF
WYOMING

SECTION 5
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Release 2

Issued: October 15, 1997

Effective: January 1, 1998

5. EXCHANGE SERVICES

5.2 LOCAL EXCHANGE SERVICE

5.2.6 LOW-INCOME ASSISTANCE PROGRAMS (Cont'd)

B Link Up America

1. Link Up America provides Wyoming residents who qualify for the Federal Communication Commission's Link Up America Program a discount on installation charges. A 50% discount (up to \$30.00) will be applied on access line service and equipment charges to connect service at a new address. This discount applies on a single line at the principal place of residence for the applicant.

In addition, the customer may defer payment on up to \$200 of the above charges without interest for a period not to exceed one year. The deferred charges do not include any permissible security deposits required. Payments shall be equally paid over a twelve month period. If any payments are delayed, interest shall accrue from that day forward.

(N)
|
(N)

2. The following eligibility criteria will apply:
 - a. Eligibility will be established based on the same criteria as eligibility for Lifeline services, or through the additional programs listed in c. below. (N)
 - b. Applicant must not be a dependent for federal income tax purposes, unless he or she is more than 60 years of age.
 - c. Applicant must be currently receiving benefits from one of the following four programs administered by the Wyoming Department of Health and Social Services:
 - Supplemental Security Income (SSI)
 - Aid to Families with Dependent Children (AFDC)
 - Food Stamps
 - Low Income Energy Assistance Program (LIEAP)

TC 97-199



January 12, 1998

Harlan Best
South Dakota, Public Utilities Commission
State Capitol
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

RECEIVED

JAN 15 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

RE: RT Communications Lifeline Filing

FAX Received JAN 14 1998

Dear Harlan:

This letter is provided in response to questions you expressed concerning RT Communications (RT) request to utilize the Wyoming lifeline tariff for its South Dakota customers. These questions and the response to each are provided below.

1) Please provide a copy of Senate Enrolled Act #45 which is referenced in section 5.2.6.2.a of the Wyoming lifeline tariff

Response: A copy of this statute is attached.

2) Please provide clarification of what is meant in section 5.2.6.2.a by "Subscription to expanded services will only be allowed at the principle residence of those recipient physically handicapped subscribers certified by the Wyoming Department of Health and Social Services."

Response: When the lifeline service was included in the statute identified in 1) above, the state legislature was concerned that customers receiving lifeline support should be limited in what services they could subscribe to beyond basic local service. The statute set up a limitation which did not allow lifeline service customers to take vertical services such as call waiting or three way calling unless they had a physical handicap necessitating such services. This section conforms to this requirement. This statute is targeted by the telecommunications industry for possible legislative action.

3) Where in the Federal Regulations on USF does it allow the South Dakota Commission to utilize the Wyoming lifeline plan when the South Dakota Commission does not have its own plan?

Response: In footnote 876 of the FCC Report and Order dated May 8, 1997, it is indicated that South Dakota does have a lifeline plan. In reviewing US West Tariffs in South Dakota, US West did have a lifeline tariff and matching program. The FCC in their Order (paragraph 349) indicate that they anticipate states will continue this plan and will expand it to those companies which do not participate and to incorporate the additional discounts.

GWNW INC./MANAGEMENT

2270 La Montana Way (80918) P.O. Box 25969 (80936) Colorado Springs, CO 80931 504-5800 FAX: (719) 599-0968

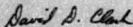
Although not specifically outlined in the order, it is RT's position that the state does not need to have a statewide plan applicable to all companies. Instead the state commissions are allowed to review plans on a company specific basis and approve lifeline services based on each company's circumstances. This philosophy has been adopted by other states such as Wyoming where companies are allowed to choose the \$5.25 lifeline discount or can offer the \$10.50 discount. South Dakota, in approving a tariff for a company, will establish a lifeline plan for that company. This is consistent with the FCC order and established rules as found in Section 54.403(a).

4) For the Link up America service outline in the tariff, is Aid to Families With Dependent Children (AFDC) a part of the default services outlined in the FCC order?

Response: Once again, if a state that provides state lifeline support approves a company's tariff indicating what means test will be applied in determining eligibility for link up services, it is RT's position that this is allowed by the FCC order (see FCC rules section 54.409). The FCC does not supersede the states authority in this matter. If the state does not provide state support, the FCC provides default means tests. By allowing RT to adopt the Wyoming tariffs, the South Dakota Commission is approving the means tests proposed by the Company.

If you have any questions or concerns regarding this information, please give me a call at (719) 594-5831.

Sincerely,



David Clark

encl.

cc: D. Monsen, RT Communications
B. Assay, ALG

NEXT

DOCUMENT (S)

DISREGARD

BACKGROUND

the proceedings before that court to parties not appearing and they would be bound by the result thereof. In re Hamilton Pipe Line Co., 65 Wyo. 350, 202 P.2d 184 (1949).

It was not the intention of the legislature that a rehearing must be sought before an appeal to the district court is taken by a party dissatisfied with an order of the public service commission. In re Hamilton Pipe Line Co., 65 Wyo. 350, 202 P.2d 184 (1949).

The district court is not authorized to try a rate case anew. In re N. Utils. Co., 70 Wyo. 225, 247 P.2d 767 (1952).

The supreme court is not authorized to try a rate case anew. In re N. Utils. Co., 70 Wyo. 225, 247 P.2d 767 (1952).

Scope of review. — The supreme court need only examine the district court's order, confirming an order of the commission to ascertain whether it was in conformity with law and whether the result reached by the commission was supported by any substantial evidence. On these points the burden rests upon the appellants to show that the order of the district court and that of the commission is erroneous and did not reach a just and reasonable result. In re N. Utils. Co., 70 Wyo. 225, 247 P.2d 767 (1952).

Certiorari is not appropriate method to re-

view action of district court. — In view of the plenary jurisdiction of district courts, with commensurate power to hold inferior tribunals within the scope of their powers, it would seem that an appeal to the district court from the public service commission should be regarded as a proceeding in the course of the common law, and a writ of certiorari is not an appropriate method to review the action of the district court in such a proceeding. Call v. Town of Afon, 73 Wyo. 271, 278 P.2d 270 (1954).

Jurisdiction to reverse order of commission as contrary to law. — Contention that district court exceeded its jurisdiction in reversing order of public service commission on basis that it was contrary to law was not sustained, since this section, expressly gives district court power to so decree. Call v. Town of Afon, 73 Wyo. 271, 278 P.2d 270 (1954).

As to time limitations, Rule 72.1 (d), W.R.C.P., supersedes this section. Town of Afon v. Public Serv. Comm'n., 471 P.2d 331 (Wyo. 1970). See also Rule 87 (b), W.R.C.P.

Quoted in Mountain Fuel Supply Co. v. Public Serv. Comm'n., 662 P.2d 878 (Wyo. 1983).

Law reviews. — See "Scope of Review of Decision of an Administrative Agency in Wyoming," 9 Wyo. L.J. 65 (1964).

§ 37-2-220. Process, evidence as in civil actions.

In all actions and proceedings in court arising under this act, all processes shall be served and the practice and rules of evidence shall be the same as in civil actions or in suits in equity, except as otherwise herein provided. Every sheriff or other officer empowered to execute civil process shall execute any process issued under the provisions of this act and shall receive such compensation therefor, as may be prescribed by law for similar services. (Laws 1915, ch. 146, § 63; C.S. 1920, § 5515; R.S. 1931, § 94-163; C.S. 1946, § 64-322; W.S. 1957, § 37-49.)

Cross references. — As to service of notice concerning matters before the public service commission, see § 37-2-202. As to service of process generally, see §§ 1-6-101 to 1-6-203 and Rule 4, W.R.C.P. As to evidence and witnesses generally, see §§ 1-12-101 to 1-12-561 and Rule 43, W.R.C.P.

Meaning of "this act". — The words "this act" apparently refer to ch. 146, Laws 1915. See note at § 37-2-110.

§ 37-2-221. Injunction.

No injunction shall issue suspending or staying any order of the commission, except upon application to the district court in and for the county in which the commission has its principal office, or the presiding judge thereof, or the federal court or judge having jurisdiction there, and upon notice to the commission and hearing. (Laws 1915, ch. 146, § 64; C.S. 1920, § 5516; R.S. 1931, § 94-164; C.S. 1946, § 64-323; W.S. 1957, § 37-50.)

Cross references. — As to injunctions generally, see §§ 1-28-101 to 1-28-111 and Rule 65, W.R.C.P. Am. Jur. 2d, ALR and C.J.S. references. — Adequacy, as regards right to injunction, of other

remedy for review of order fixing public utility rates. § ALR2d 839.

ARTICLE 3. TELEPHONE ASSISTANCE PROGRAM

§ 37-2-301. Telephone assistance program creation; discount.

- The commission shall administer a telephone assistance program to provide eligible residential subscribers with a discount in the monthly charge for local exchange service in the telephone network.
- The discount provided by the telephone assistance program shall be the greater of:

- Three dollars and fifty cents (3.50) per month.
- The amount necessary to obtain a discount equivalent to the amount of the federal communications commission's regulations of the federal communications commission. In no case shall the discount exceed the amount of local exchange service received by each eligible subscriber.

§ 37-2-302. Eligibility; certification.

- The telephone assistance program shall be available to the principal residence of subscribers conforming to W.S. 42-2-303(b) that are located in §§ 42-4-101 through 42-4-113 of the Wyoming Code. Subscribers who are not participating in the program shall be certified by the department of public safety. At least annually the participating subscribers receiving program assistance to the department of public safety shall be eligible. In the event of this section, the participating consumer receiving program assistance who is not eligible. (Laws 1991, ch. 106, § 1.)

§ 37-2-303. Reimbursement for telephone assistance program.

- The commission shall authorize the department of public safety to, for each residential access line an eligible subscriber, to fully reimburse the subscriber for the monthly charge for the telephone assistance program. The reimbursement shall not be imposed on eligible subscribers under the telephone assistance program.
- The additional monthly charge for the telephone assistance program shall be the difference between the monthly charge for the telephone assistance program and the monthly charge for the telephone assistance program.
- In administering the telephone assistance program, the department of public safety shall have as its primary concern. (Laws 1991, ch. 106, § 1.)

§ 37-2-304. Administration; rule-making.

- The commission shall monitor the telephone assistance program and shall prepare annual reports to the legislature.
- The commission shall promulgate and implement the telephone assistance program.
- The commission shall submit to the department of public safety a report on the telephone assistance program for certification and rule-making. (Laws 1991, ch. 106, § 1.)

§ 37-2-305. Federal requirements.

The commission and participating telephone companies shall comply with federal requirements for receipt of federal funds. (Laws 1991, ch. 106, § 1.)

§ 37-2-306. Applicability; voluntary participation.

- W.S. 37-2-301 through 37-2-304 shall apply to subscribers who are defined in W.S. 37-15-103 with the exception of those subscribers who are not participating in the program.
- Providers of local telecommunications services shall petition the commission for certification and rule-making. The commission shall grant a petition to

- (c) Three dollars and fifty cents (\$3.50) per month for each eligible subscriber; or
- (d) The amount necessary to obtain the matching waiver available under applicable orders and regulations of the federal communications commission.
- In no case shall the discount exceed the rate charged for the grade of residential basic local service received by each eligible subscriber. (Laws 1991, ch. 106, § 1.)

37-2-302. Eligibility; certification.

The telephone assistance program shall only be used to provide for a single resident line at the principal residence of subscribers certified by the department of health to the commission pursuant to W.S. 42-2-303(b) that the subscriber receives services under chapter 4, title 42 [42-4-101 through 42-4-113] of the Wyoming statutes. In addition, the program shall only allow participation to expanded services at the principal residence of those recipient physically handicapped subscribers certified by the department.

At least annually the participating telephone companies shall submit the names of persons receiving program assistance to the department of health for recertification that the persons receiving assistance are still eligible. In addition and for purposes of certification under subsection (b) of this section, the participating companies shall submit to the department the name of any person receiving program assistance who is also receiving any expanded service. (Laws 1991, ch. 106, § 1.)

37-2-303. Reimbursement for discounts.

(a) The commission shall authorize an additional monthly charge not to exceed twenty cents (\$0.20) for each residential access line and each business access line not to exceed one hundred (100) lines per customer to fully reimburse providers of local telecommunications services for discounts given eligible subscribers under the telephone assistance program. The additional monthly charge shall not be imposed on eligible subscribers.

(b) The additional monthly charge for local exchange service applies to persons who receive access lines from a provider of local telecommunications services who participates in the telephone assistance program.

(c) In administering the telephone assistance program the commission shall have the public interest as a primary concern. (Laws 1991, ch. 106, § 1.)

37-2-304. Administration; rules.

(a) The commission shall monitor the effectiveness of the telephone assistance program and prepare annual reports to the legislature.

(b) The commission shall promulgate reasonable rules and regulations necessary to administer and implement the telephone assistance program and to receive matching federal low income telephone assistance.

(c) The commission shall submit the telephone assistance program to the federal communications commission for certification and waiver of the federal subscribers line charge. (Laws 1991, ch. 106, § 1.)

37-2-305. Federal requirements.

The commission and participating providers of local telecommunications services shall comply with federal requirements for receipt of matching federal low income telephone assistance. (Laws 1991, ch. 106, § 1.)

37-2-306. Applicability; voluntary participation or withdrawal.

(a) W.S. 37-2-301 through 37-2-305 apply to providers of essential telecommunications services as defined in W.S. 37-15-103 with more than thirty thousand (30,000) access lines.

(b) Providers of local telecommunications services with fewer than thirty thousand (30,000) access lines may petition the commission to participate in the telephone assistance program. The commission shall grant a petition to participate in the telephone assistance program unless federal

requirements for obtaining matching federal low income telephone assistance require otherwise
(Laws 1991, ch. 106, § 1; 1995, ch. 181, § 2.)

CHAPTER 3

Rates, Interchange Of Services And Safety**Article 1. In General**

- Sec.**
37-3-101. Rates to be just, reasonable and uniform; exceptions.
37-3-102. Only prescribed rates to be charged.
37-3-103 and 37-3-104. (Repealed.)
37-3-106. Free or reduced rates of transportation to certain classes of persons authorized.
37-3-106. Temporary suspension of rates; burden of proof; notice of rate changes; bonding; refunding of amounts collected in excess of final rates.
37-3-107. Rates for joint service by public utilities.
37-3-108. Apportionment of joint rates.
37-3-109. Investigation of interstate rates; application for relief.
37-3-110. Schedules of rates to be filed and available to public; forms prescribed to conform to federal forms.
37-3-111. Contracts to be filed; statements of free or reduced rate service required.
37-3-112. Service to be adequate and safe; regulations to be just and reasonable; unjust discrimination or undue preference as to service prohibited.
37-3-113. Interchanges and transfer of messages, service and other facilities.

Law reviews. — For article, "Deregulation of the Energy Industry," see XXXI *Land & Water L. Rev.* 27 (1996).

Am. Jur. 2d, ALR and C.J.S. references. — Right to cut off water supply because of failure to pay sewer service charge, 26 ALR2d 1359.

Deposit required by public utility, 43 ALR2d 1962.
Liability of electric power or light company to patron for interruption, failure, or inadequacy of power, 4 ALR3d 594.

Liability of premises, or their owner or occupant, for electricity, gas, or water charge, irrespective of who is the user, 19 ALR2d 1227.

Right of municipality to refuse services provided by it to resident for failure of resident to pay for other unrelated services, 60 ALR3d 714.

- Sec.**
37-3-114. Safety standards.
37-3-115. Rates, less expensive sources of supply.

Article 2. Natural Gas Storage Limits and Rates

- 37-3-201. Limit on natural gas storage; sale of excess; rates; removal of gas for purposes of evading article prohibited.
37-3-202. Commission duty to enforce.
37-3-203. Appeals from commission orders; refunds if orders upheld; utility duties.
37-3-204. Rates; sales of stored gas.
37-3-205. Prohibition against recovery of cost of stored gas.

Article 3. High Voltage Line Safety

- 37-3-301. Short title.
37-3-302. Definitions.
37-3-303. Activity near overhead line; safety restrictions.
37-3-304. Activity in close proximity to lines; clearance arrangements; procedure; payment; notice.
37-3-305. Indemnification.
37-3-306. Exemptions.

Liability of telephone company to subscriber for failure or interruption of service, 67 ALR3d 76.

Right of public utility to deny service to an address because of failure to pay for past service rendered at another, 73 ALR3d 1292.

Amount paid by public utility to affiliate for goods or services as includable in utility's rate base and operating expenses in rate proceeding, 16 ALR4th 454.

Priority of considering capital structure of utility's parent company or subsidiary in setting utility's rate of return, 80 ALR4th 280.

Public utility's right to recover cost of nuclear power plants abandoned before completion, 63 ALR4th 183.

ARTICLE 1. IN GENERAL

§ 37-3-101. Rates to be just, reasonable and uniform; exceptions.

All rates shall be just and reasonable, and all unjust and unreasonable rates are prohibited. A rate shall not be considered unjust or unreasonable on the basis that it is innovative in form or in substance, that it takes into consideration competitive marketplace elements or that it provides for incentives to a public utility. Except as otherwise provided in W.S. 15-7-407, no public utility shall in any manner charge, demand, collect or receive from any person greater or less or different

...ation for any service rendered or...
...collected or received by the...
...spontaneous service under similar...
...determine that rates for the same service...
...the need for universally available...
...and common costs of the public ut...
...practices. Nothing in this title...
...service to its current or past...
...approved by the commission. (L.S. 198...
...C.S. 1945, § 64-201; W.S. 198

Cross references. — As to matters to be fixed in fixing rates, see §§ 37-2-119, 37-3-114. As to penalty for accepting money...
...consideration as rebate or offset...
...charge for services as fixed by the act...
...in connection with public utilities, see...
...For regulation of natural gas, see ch...

**Commissioner's role in case of sale of...
...unjust or unreasonable utility...
...in company's or unreasonable utility...
...based by an assertion that the effectua...
...was in breach of a contract, because th...
...has no authority to determine the...
...to a contract. 37-State Generation P...
...C.S. 1945, § 64-201 (Wyo. 1989).**

**Rates based on historical test perio...
...reasonable. — Utility failed to meet its...
...showing that the rates allowed by the pu...
...based on a historical test pe...
...just or unreasonable. Mountain State...
...C.S. 1945, § 64-201 (Wyo. 1989).**

**Effect of accepting gas purchase co...
...filling. — Once the commission has accep...
...a gas purchase contract, the cost of gas th...
...recoverable as a matter of law through rat...
...to pay such costs, plus the cost of the ut...
...a reasonable rate on investment. 500 F. 3...
...Wyo. 1980, rev'd on other grounds, 673 F...
...Ct. 1982, cert. denied, 459 U.S. 969, 10...
...41 L. Ed. 2d 385 (1983).**

**Applied in Mountain Fuel Supply...
...C.S. 1945, § 64-201 (Wyo. 1989).**

§ 37-3-102. Only prescribed

No public utility shall directly o...
...demand, collect or receive from a...
...service rendered or to be rendered...
...such public utility then filed and pr...
...receive or accept any service from...
...different from that prescribed in st...
...1931, § 94-128; C.S. 1945, § 64-2

Cross references. — See cross ref...
...3-101.

Meaning of "this act". — The

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE FILING BY RT)	ORDER FOR AND NOTICE
COMMUNICATIONS, INC. FOR DESIGNATION)	OF HEARING
AS AN ELIGIBLE TELECOMMUNICATIONS)	
CARRIER)	TC97-199

On December 23, 1997, the South Dakota Public Utilities Commission (Commission) received a request from the above captioned telecommunications company requesting designation as an eligible telecommunications carrier.

The Commission electronically transmitted notice of the filing and the intervention deadline to interested individuals and entities on December 23, 1997, with an intervention deadline of December 29, 1997. No Petitions to Intervene were filed.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-31, including 1-26-18, 1-26-19, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, and 47 U S C § 214(e)(1) through (5).

The issues at the hearing shall be as follows: (1) whether the above captioned telecommunications company should be granted designation as an eligible telecommunications carrier, and (2) what service areas shall be established by the Commission.

A hearing shall be held at 1:30 P.M., on Thursday, March 26, 1998, in Room 412, State Capitol, Pierre, South Dakota. It shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of this hearing, the Commission may either grant or deny the request from the above captioned telecommunications company requesting designation as an eligible telecommunications carrier, and the Commission shall establish service areas for an eligible telecommunications carrier. The Commission's decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held at the time and place specified above on the issues of whether the above captioned telecommunications company should be granted designation as an eligible telecommunications carrier, and what shall be the service area for an eligible telecommunications carrier.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 23rd day of March, 1998.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: Waldine Kelle

Date: 3/24/98

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:
Commissioners Burg, Nelson and
Schoenfelder

William T. Bullard, Jr.
WILLIAM BULLARD, JR.
Executive Director

ASSOCIATED LEGAL GROUP, LLC

1807 Capitol Avenue, Suite 205
Cheyenne, Wyoming 82001
Telephone (307) 632-2888
Facsimile (307) 632-2828
E-Mail ALG@WYOMING.COM

RECEIVED

APR 27 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Bruce S. Asay
Keith S. Burron-

* Admitted to Wyoming
and Colorado

April 23, 1998

Harlan Best
South Dakota Public Utilities Commission
500 East Capitol Street
Pierre SD 57501

Re: Application of RT Communications, Inc., for
Eligible Carrier Status, Docket No. TC97-199

Dear Mr. Best:

In conversations with Mr. Rich Coit of the South Dakota Independent Telephone Coalition, he has indicated that there are certain items which need to be addressed with respect to RT Communications' application for designation as an eligible carrier. I am writing this letter to address these concerns in order to finalize the processing of this application.

First, I have been asked whether RT Communications is willing to follow the South Dakota Lifeline and Linkup Programs, rather than continue to use Wyoming's program as requested. Although RT Communications would prefer to maintain its service in Wyoming and South Dakota as similar as possible, the company is willing to follow South Dakota's Lifeline and Linkup Programs if that is the desire of the Commission.

As to the date with which we would like to make the order effective, it had been our intent to obtain the eligible carrier approval as of 1-1-98. At this stage, however, if the Public Utilities Commission is not obtaining waivers retroactive to that date for other carriers, RT Communications would not request that that be accomplished on its behalf. Assumably, NECA will treat RT Communications' study area appropriately and the request would not be necessary. If, in the future such a request becomes of more import, RT Communications will report this to the Commission.

Finally, RT Communications would indicate to the Commission that it has publicized its telephone assistance program to consumers in a newspaper of general circulation which would have reached its South Dakota customers. In addition, notification of the program is contained in

Harlan Best
April 23, 1998
Page 2

telephone directories, such that the customers have notice of the program. If the Commission desires that additional efforts are necessary to advertise the availability of the program, RT Communications will comply with the Commission's request.

If there are other documents or information that are necessary to complete this application, I would invite your inquiry as to the availability of these documents, and I will provide them to the Commission. In addition, if there are any other questions concerning RT Communications or its service, I would ask that you direct them to this office so that we might resolve the matter.

Sincerely,



Bruce S. Asay

BSA:lks
cc: Dee Monsen
David Clark
Rich Coit

ELIGIBLE TELECOMMUNICATIONS CARRIER REQUEST

Company: RT Communications, Inc.

Docket Number: TC97-199

<u>47 C.F.R. 54.101(a)</u>	Application 12/23/97	Supplemental Response 12/29/97
1. voice grade access to public switched network		Yes
2. local usage		Yes
3. dual tone multi-frequency signaling or its functional equal		Yes
4. single party service or its functional equivalent		Yes, to all SD customers
5. access to emergency services		Yes, where the locality has implemented it
6. access to operator services		Yes
7. access to interexchange service		Yes
8. access to directory assistance		Yes
9. toll limitation for qualifying low-income consumers	-toll blocking is provided -can not provide toll control,	
<u>47 C.F.R. 54.405 and 54.411</u> make available Lifeline and Link Up services to qualifying low-income consumers		as adopted on 5/7/97 as part of the FCC US Report and Order in CC-96-45
<u>47 U.S.C. 214(e)(5)</u> designate service area [by NXX]	for that service area established by the SDPUC in its C of A [TC94-005, issued 10/11/97]	
<u>47 U.S.C. 214(e)(1)(B)</u> advertise services exchange wide	will advertise the availability of such services and the charges therefore using media of general distribution	

oath by G Dye

EXHIBIT

A

3-26-98 Ltr

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE FILING BY RT)	FINDINGS OF FACT,
COMMUNICATIONS, INC. FOR DESIGNATION)	CONCLUSIONS OF LAW,
AS AN ELIGIBLE TELECOMMUNICATIONS)	ORDER AND NOTICE OF
CARRIER)	ENTRY OF ORDER
)	TC97-199

On December 23, 1997, the Public Utilities Commission (Commission) received a request for designation as an eligible telecommunications carrier (ETC) from RT Communications, Inc. (RT Communications). RT Communications requested designation as an eligible telecommunications carrier within the local exchange area that constitutes its service area in South Dakota.

The Commission electronically transmitted notice of the filing and the intervention deadline to interested individuals and entities. No person or entity filed to intervene. By order dated March 23, 1998, the Commission set the hearing for this matter for 1:30 p.m., on March 26, 1998, in Room 412, State Capitol, Pierre, South Dakota.

The hearing was held as scheduled. The Commission took the matter under advisement and asked for additional information. At its May 28, 1998, meeting, the Commission granted ETC designation to RT Communications and designated its study area in South Dakota as its service area.

Based on the evidence of record, the Commission enters the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. On December 23, 1997, the Commission received a request for designation as an ETC from RT Communications. RT Communications requested designation as an ETC within the local exchange areas that constitute its service area in South Dakota. RT Communications serves the following exchange in South Dakota: East Newcastle.

2. Pursuant to 47 U.S.C. § 214(e)(2), the Commission is required to designate a common carrier that meets the requirements of section 214(e)(1) as an ETC for a service area designated by the Commission.

3. Pursuant to 47 U.S.C. § 214(e)(1), a common carrier that is designated as an ETC is eligible to receive universal service support and shall, throughout its service area, offer the services that are supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services. The carrier must also advertise the availability of such services and the rates for the services using media of general distribution.

4. The Federal Communications Commission (FCC) has designated the following services or functionalities as those supported by federal universal service support mechanisms: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling or its functional equal; (4) single party service or its functional equivalent; (5) access to emergency services; (6) access to operator services; (7) access to interexchange service; (8) access to directory assistance; and (9) toll limitation for qualifying low-income consumers. 47 C.F.R. § 54.101(a).

5. As part of its obligations as an ETC, an ETC is required to make available Lifeline and Link Up services to qualifying low-income consumers. 47 C.F.R. § 54.405, 47 C.F.R. § 54.411.

6. RT Communications offers voice grade access to the public switched network to all consumers throughout its service area.

7. RT Communications offers local exchange service including an amount of local usage free of per minute charges to all consumers throughout its service area.

8. RT Communications offers dual tone multi-frequency signaling to all consumers throughout its service area.

9. RT Communications offers single party service to all consumers throughout its service area in South Dakota.

10. RT Communications offers access to emergency services to all consumers throughout its service area where the locality has implemented it.

11. RT Communications offers access to operator services to all consumers throughout its service area.

12. RT Communications offers access to interexchange services to all consumers throughout its service area.

13. RT Communications offers access to directory assistance to all consumers throughout its service area.

14. One of the services required to be provided by an ETC to qualifying low-income consumers is toll limitation. 47 C.F.R. § 54.101(a)(9). Toll limitation consists of either toll blocking or toll control for carriers that are incapable of providing both services. 47 C.F.R. § 54.400(d). RT Communications offers toll blocking to all consumers throughout its service area but cannot currently offer toll control.

15. With respect to the obligation to advertise the availability of services supported by the federal universal service support mechanism and the charges for those services using media of general distribution, RT Communications stated that it will advertise the availability of its local exchange services and the charges for those services in media of general distribution throughout its service area.

16. RT Communications asked to be allowed to offer the Lifeline and Link Up services in accordance with the Wyoming programs. The Wyoming program matches the federal credits but has more restrictive eligibility requirements. The Commission has authorized the Lifeline and Link Up service discounts to be given in accordance with 47 C.F.R. §§ 54.400 to 54.417, inclusive.

17. RT Communications did not request, at this time, that the Commission obtain a waiver from the FCC to allow RT Communications to receive ETC status retroactive to January 1, 1998.

18. The Commission finds that RT Communications currently provides and will continue to provide the following services or functionalities throughout its service area: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling; (4) single-party service; (5) access to emergency services; (6) access to operator services; (7) access to interexchange service; (8) access to directory assistance; and (9) toll blocking for qualifying low-income consumers.

19. The Commission finds that RT Communications must provide Lifeline and Link Up programs to qualifying customers throughout its service area in South Dakota in accordance with 47 C.F.R. §§ 54.400 to 54.417, inclusive, and any Commission imposed requirements.

20. The Commission finds that RT Communications shall advertise the availability of the services supported by the federal universal service support mechanism and the charges therefor throughout its service area using media of general distribution once each year. The Commission further finds that if the rate for any of the services supported by the federal universal service support mechanism changes, the new rate must be advertised using media of general distribution.

21. Pursuant to 47 U.S.C. § 214(e)(5), the Commission designates RT Communications' current study area in South Dakota as its service area.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-31, and 47 U.S.C. § 214.

2. Pursuant to 47 U.S.C. § 214(e)(2), the Commission is required to designate a common carrier that meets the requirements of section 214(e)(1) as an ETC for a service area designated by the Commission.

3. Pursuant to 47 U.S.C. § 214(e)(1), a common carrier that is designated as an ETC is eligible to receive universal service support and shall, throughout its service area, offer the services that are supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services. The carrier must also advertise the availability of such services and the rates for the services using media of general distribution.

4. The FCC has designated the following services or functionalities as those supported by federal universal service support mechanisms: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling or its functional equal; (4) single party service or its functional equivalent; (5) access to emergency services; (6) access to operator services; (7) access to interexchange service; (8) access to directory assistance; and (9) toll limitation for qualifying low-income consumers. 47 C.F.R. § 54.101(a).

5. As part of its obligations as an ETC, an ETC is required to make available Lifeline and Link Up services to qualifying low-income consumers. 47 C.F.R. § 54.405, 47 C.F.R. § 54.411.

6. RT Communications has met the requirements of 47 C.F.R. § 54.101(a).

7. RT Communications shall provide Lifeline and Link Up programs to qualifying customers throughout its service area consistent with 47 C.F.R. §§ 54.400 to 54.417, inclusive, and any Commission imposed requirements.

8. RT Communications shall advertise the availability of the services supported by the federal universal service support mechanism and the charges therefor using media of general distribution once each year. If the rate for any of the services supported by the federal universal service support mechanism changes, the new rate shall be advertised using media of general distribution.

9. Pursuant to 47 U.S.C. § 214(e)(5), the Commission designates RT Communications' current study area in South Dakota as its service area.

10. The Commission designates RT Communications as an eligible telecommunications carrier for its service area in South Dakota.

It is therefore

ORDERED, that RT Communications' current study area in South Dakota is designated as its service area; and it is

FURTHER ORDERED, that RT Communications shall follow the advertising requirements as listed above; and it is

FURTHER ORDERED, that RT Communications is designated as an eligible telecommunications carrier for its service area in South Dakota.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that this Order was duly entered on the 19th day of June, 1998. Pursuant to SDCL 1-26-32, this Order will take effect 10 days after the date of receipt or failure to accept delivery of the decision by the parties.

Dated at Pierre, South Dakota, this 19th day of June, 1998.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By Nellie Kaebo

Date 6/19/98

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner