

TC98-210

TC98-210

DOCKET NO. _____

In the Matter of _____

IN THE MATTER OF THE REQUEST
FOR A RULING REGARDING TOLL
LIMITATION

Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

12/3/98 Received

12/16/98 Rechecked

12/18/98 Rechecked

12/28/98 Comments of P.U.C.

1/6/99 Case finding Current Rates meet the requirement of ^{all stipulation} considering

1/6/99 Docket Closed

TC98-210

TELEC CONSULTING
RESOURCES

909 N. 96th Street, Suite 203
Omaha, NE 68114-2508
(402) 398-0062
FAX (402) 398-0065

RECEIVED

DEC 11 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Cornhusker Plaza
301 South 13th Street, Suite 401
Lincoln, NE 68508
(402) 441-4315
FAX (402) 441-4317

December 1, 1998

Ms Rolayne Wiest, General Counsel
Public Utilities Commission
Capitol Building, 1st Floor
500 East Capitol Avenue
Pierre, SD 57501-5070

Dear Ms Wiest

On behalf of our South Dakota clients, we are seeking written confirmation that the ruling regarding toll control and toll limitation as detailed in Amended Order TC97-163, XIV, issued March 10, 1998, applies to all South Dakota eligible telecommunications carriers (ETCs), not just U S WEST. The FCC ruling in this matter was issued December 30, 1997, in the FCC's Fourth Order on Reconsideration, FCC 97-420, in CC Docket No. 96-45.

Thank you for your assistance in this matter.

Sincerely,



Loretta Calabro

South Dakota Public Utilities Commission
WEEKLY FILINGS

For the Period of December 10, 1998 through December 16, 1998

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you,
please contact Delaine Kolbo within five business days of this filing.
Phone: 605-773-3705 Fax: 605-773-3809

NATURAL GAS

- NG98-013 In the Matter of the Application of Montana-Dakota Utilities Co. for approval of Revisions to its Purchased Gas Cost Adjustments, Rates 88 and 89

Application by Montana-Dakota Utilities Co. to revise its Purchased Gas Cost Adjustments, Rates 88 and 89 to change the minimum threshold which necessitates the filing of revised PGA rate adjustments. Currently, if the monthly adjustment changes less than \$.001 per dekatherm, a new adjustment is not required. With this filing the minimum threshold would be raised to \$.10 per dekatherm.

Staff Attorney: Karen Cremer
Staff Analyst: Dave Jacobson
Date Filed: 12/14/98
Intervention Deadline: NA

TELECOMMUNICATIONS

- TC98-208 In the Matter of the Filing by Kadoka Telephone Company for Approval of Switched Access Rates

This filing reflects the switched access rates as determined by dividing the Commission approved revenue requirement by the Commission approved minutes of use for the cost study companies, excluding U S WEST Communications. The rates will become effective on January 1, 1999.

Staff Attorney: Karen Cremer
Staff Analyst: Harlan Best
Date Filed: 12/10/98
Intervention Deadline: 12/24/98

- TC98-209 In the Matter of the Application of Telecommunications Cooperative Network, Inc. for a Certificate of Authority to Provide Telecommunications Services in South Dakota

Application by Telecommunications Cooperative Network, Inc. for a Certificate of Authority to provide resold interexchange

telecommunications services in the state of South Dakota. Proposed services include both inbound and outbound intraLATA toll services.

Staff Attorney: Camron Hoesek
Staff Analyst: Kylie Tracy
Date Filed: 12/16/98
Intervention Deadline: 12/31/98

- TC98-210 In the Matter of the Request for a Ruling Regarding Toll Limitation

On December 3, 1998, the Commission received a letter from TELEC Consulting Resources asking for written confirmation that the ruling regarding toll control and toll limitation as detailed in Amended Order TC97-163, XIV, issued March 10, 1998, applies to all South Dakota eligible telecommunications carriers (ETCs), not just U S WEST. Since this order was only applicable to U S WEST, the Commission is seeking comments on whether it should issue an order in this docket applicable to all currently designated ETCs reflecting the change in the toll limitation requirement made by the FCC in its Fourth Order on Reconsideration. Comments will be accepted until December 29, 1998.

Staff Attorney: Karen Cremer
Staff Analyst: Harlan Best
Date Filed: 12/03/98
Deadline for Comments: 12/29/98

- TC98-211 In the Matter of the Filing by Mount Rushmore Telephone Company for Approval of Switched Access Rates

This filing reflects the switched access rates as determined by dividing the Commission approved revenue requirement by the Commission approved minutes of use for the cost study companies, excluding U S WEST Communications. The rates will become effective on January 1, 1999.

Staff Attorney: Karen Cremer
Staff Analyst: Harlan Best
Date Filed: 12/16/98
Intervention Deadline: 12/24/98

You may receive this listing and other PUC publications via our website or via internet e-mail.
You may subscribe to the PUC mailing list at <http://www.state.sd.us/puc/>

SDITC

South Dakota Independent Telephone Coalition, Inc.

Richard D. Coit

Executive Director

rcsdtc@sdcsbnet.net

December 28, 1998

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DEC 29 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Mr. Bill Bullard, Executive Director
South Dakota Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501

RE: Docket TC98-210 (In the Matter of the Request for a Ruling
Regarding Toll Limitation)

Dear Mr. Bullard:

The Commission through its "Weekly Filings" Notice has asked for comments relating to the issue raised by the above referenced docket. Specifically, the Commission has asked whether it should issue an order applying to all currently designated eligible telecommunications carriers ("ETCs") reflecting the change made by the FCC to its "toll limitation" requirement imposed on ETCs.

The purpose of this letter is to indicate SDITC's support for the proposed action. The Commission in its previous ETC designation orders granted a one-year waiver to each of the SDITC member companies from the requirement of having to offer a "toll control" service. The Commission with regard to such waivers indicated that prior to the end of the one-year period the companies would have to report back to the Commission with specific information indicating when the network upgrades would be made in order to provide toll control.

Since this Commission issued its ETC designation orders late last year, the FCC has taken action changing the "toll limitation" requirement as embodied in its ETC related rules. In its Fourth Order on Reconsideration, FCC 97-4201, ¶ 115, CC Docket No. 96-45, the FCC has now revised its definition of "toll limitation" and has defined it as toll control **or** toll blocking.

Given the FCC's decision, which clearly indicates that carriers are able to satisfy the toll limitation requirement by offering either toll control or toll blocking, SDITC agrees with the request filed herein by Telec Consulting Resources. The Commission should in some manner clarify that all companies designated as ETCs need not comply with the toll control language contained in the existing ETC designation orders. Action similar to that taken for US WLS1 Communications in Docket TC97-163 should be taken for all designated ETCs.



SDITC and its member companies thank you for your consideration of these comments.

Sincerely,



Richard D. Coit
Executive Director and
General Counsel

cc Loretta Calabro, Telec Consulting Resources
SDITC Member Companies

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

IN THE MATTER OF THE REQUEST FOR A)	ORDER FINDING CURRENT
RULING REGARDING TOLL LIMITATION)	ELIGIBLE
)	TELECOMMUNICATIONS
)	CARRIERS MEET THE
)	REQUIREMENT OF
)	PROVIDING TOLL
)	LIMITATION
)	TC98-210

On December 3, 1998, the Commission received a letter from TELEC Consulting Resources, Inc., asking for written confirmation that the ruling regarding toll control and toll limitation as detailed in Amended Order TC97-163, XIV, issued March 10, 1998, applies to all South Dakota eligible telecommunications carriers (ETCs), not just U S WEST. Since this order was only applicable to U S WEST, the Commission opened a docket to seek comments on whether it should issue an order applicable to all currently designated ETCs reflecting the change in the toll limitation requirement made by the FCC in its Fourth Order on Reconsideration.

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).

As listed above, 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). In its initial order, the FCC found that toll limitation consists of both toll blocking and toll control. Toll control is a service that allows consumers to specify a certain amount of toll usage that may be incurred per month or per billing cycle. 47 C.F.R. § 54.400(c). Toll blocking is a service that lets consumers elect not to allow the completion of outgoing toll calls. 47 C.F.R. § 54.400(b). However, in its Fourth Order on Reconsideration, the FCC revised its definition of toll limitation and defined it as toll control or toll blocking. Thus, unless a carrier is capable of providing both toll blocking and toll control, it may offer either toll blocking or toll control. If a carrier is capable of providing both toll blocking and toll control, it must offer qualifying consumers a choice between the two. Fourth Order on Reconsideration, CC Docket No. 96-45, ¶ 115 (December 30, 1997).

In December of 1997, the Commission held hearings to designate incumbent local exchange carriers as ETCs. At the hearings, the incumbent local exchange companies stated that they were able to offer toll blocking to all consumers throughout their local

exchange service areas but were unable to offer toll control. The incumbent local exchange carriers were given a waiver of the requirement to offer toll control until December 31, 1998. Subsequently, as noted above, the FCC changed this requirement for toll limitation. Since the currently designated ETCs are able to offer toll blocking, the Commission finds that all currently designated ETCs now meet the requirement of providing toll limitation services pursuant to the FCC's Fourth Order on Reconsideration. The Commission also finds that no further waivers are necessary.

It is therefore

ORDERED, that all currently designated ETCs meet the requirement of providing toll limitation and no further waivers of this requirement are necessary.

Dated at Pierre, South Dakota, this 1st day of January, 1999.

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: Audrey Kaito

Date: 1/2/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner