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October 27, 2004

*There is a
 very large
 map in the
 docket.*

Pam Bonrud
 Executive Director
 South Dakota Public Utilities Commission
 500 East Capitol
 Pierre, SD 57501

RECEIVED
 OCT 28 2004
 SOUTH DAKOTA PUBLIC
 UTILITIES COMMISSION

Re: Petition of Brookings Municipal Utilities For Designation as
 an Eligible Telecommunications Carrier

Dear Ms. Bonrud:

Enclosed are an original and ten copies of the Petition of Brookings Municipal Utilities for Designation as an Eligible Telecommunications Carrier for filing in the above-captioned docket. As indicated on the Certificate of Service, this document was served on all interested parties.

Please contact the undersigned if you have any questions.

Sincerely,

GLOVER, HELSPER & RASMUSSEN, PC


 RICHARD J. HELSPER

RJH:stl
 Enclosures
 cc: Rolayne Wiest
 Jim Adkins
 Parties on Certificate of Service

Before The
South Dakota
Public Utility Commission
500 East Capital Avenue
Pierre, South Dakota 57501-5070

RECEIVED
OCT 28 2004
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

| | | |
|----------------------------------|---|---------------------------------------|
| In the Matter of the Petition of |) | |
| |) | Docket No. _____ |
| Brookings Municipal Utilities |) | |
| d/b/a Swiftel Communications |) | PETITION OF BROOKINGS |
| |) | MUNICIPAL UTILITIES |
| |) | FOR DESIGNATION AS AN ELIGIBLE |
| For Designation as an Eligible |) | TELECOMMUNICATIONS CARRIER |
| Telecommunications Carrier |) | |
| Under 47 U.S.C. § 214(e)(2) |) | |

Brookings Municipal Utilities d/b/a Swiftel Communications (“Brookings”), by its counsel, submits this Petition for Designation as an Eligible Telecommunications Carrier (“ETC”) for it’s wireless personal communications service (“PCS”) operations, pursuant to Section 214(e)(2) of the Telecommunications Act of 1934, as amended (“Act”), 47 U.S.C. § 214(e)(2), and Section 54.201 of the Federal Communications Commission’s (“FCC”) rules, 47 C.F.R. § 54.201. Brookings requests that its wireless operation be designated as eligible to receive all available support from the federal Universal Service Fund (“USF”) including, but not limited to, support for rural, insular and high-cost areas and low-income customers. In support of this Petition, the following is respectfully shown:

I. Name and Address of Petitioner

1. The name and address of Petitioner are Brookings Municipal Utilities d/b/a Swiftel Communications, P.O. Box 588, 525 Western Avenue, Brookings, South Dakota 57006.

II. Applicable Statutes and Rules

2. The statutes and rules implicated by the instant Petition are as follows: 47 U.S.C. §§ 153(27), 153(44), 214(e), 253(b), 254(d) 332(c)(A)(3); 47 C.F.R. §§ 51.5, 54.5, 54.101, 54.201, 54.207, 54.307, 54.313, and 54.314.

III. Authorization and Service Area

3. Brookings Municipal Utilities has served the citizens of Brookings with wireline telecommunications services for over 100 years. During that time, Brookings has worked with other telephone companies for the provision of expanded telecommunication services throughout the region and state. Brookings in its role as an independent local exchange carrier has participated in state wide industry groups and provided testimony to the South Dakota Public Utilities Commission on numerous occasions. Brookings is a telecommunications carrier as defined in 47 U.S.C. § 153(44) and 47 C.F.R. § 51.5, and for the purposes of Part 54 of the FCC's rules.¹ Brookings is therefore considered a common carrier under the Act. On June 8, 1998, Brookings entered into an Agreement with Sprint PCS for the acquisition of PCS spectrum through partitioning and disaggregating WIRELESSCO, L.P. (Sprints PCS) MTA012 and MTA032 licenses to Brookings for its PCS operation. On July 15th of 1999, Brookings Municipal Utilities d/b/a Swiftel Communications launched its wireless service offering in the Sioux Falls, Brookings and Watertown communities under the brand of Sprint PCS. On June 4th, 2001 Brookings extended its PCS service from Sioux Falls, South Dakota to North Sioux City, South Dakota along the Interstate 29 corridor.

4. Brookings is authorized by the FCC as a wireless PCS carrier in the partitioned area of the Minneapolis-St. Paul Metropolitan Trading Area ("MTA"), MTA012, which encompasses Brookings, Lake, Lincoln, McCook, Minnehaha, Moody, Turner, Clark, Codington, Deuel, Grant, Hamlin and Roberts, South Dakota counties, in the Sioux Falls, South

¹ 47 C.F.R. § 54.1 *et seq.*

Dakota Basic Trading Area (“BTA”) (BTA 422) and Watertown, South Dakota BTA (BTA 464), as well as, the partitioned area of the Des Moines-Quad Cities, Iowa MTA032 which encompasses Bon Homme, Clay, Union and Yankton, South Dakota counties, in the Sioux City, Iowa BTA (BTA 421). Brookings requests that it be designated as an ETC in portions of its FCC authorized service area. A map of Brookings’ proposed ETC service area is attached hereto as Exhibit A. Brookings is a commercial mobile radio service (“CMRS”) provider pursuant to the definition of “mobile service” provided in 47 U.S.C. § 153(27). Brookings provides interstate telecommunications services as defined in 47 U.S.C. § 254(d) and 47 C.F.R. § 54.5.

5. A telecommunications carrier may be designated as an ETC and receive universal service support if it agrees, throughout the proposed ETC service area to: (i) offer services that are supported by federal universal service support mechanisms, and (ii) advertise the availability of such services.² In its *First Report and Order* implementing Sections 214(e) and 254, the FCC set forth the services a carrier must provide to be designated as an ETC in order to receive federal universal service support.³

6. Section 214(e)(2) of the Act provides that ETC designations shall be made for a “service area” designated by the state commission. In areas served by a non-rural company, the state commission may establish an ETC service area for a competitor without federal concurrence.⁴ Accordingly, Brookings requests designation for its ETC service area in the non-rural carriers listed in Exhibit B, attached hereto.

7. In areas served by a rural telephone company, “service area” means the local exchange carrier (“LEC”) study area unless and until the FCC and the states, taking into account recommendations of a Federal-State Joint Board on Universal Service, establish a different

² See 47 U.S.C. § 214(e)(1).

³ *Federal-State Joint Board on Universal Service, Report and Order*, 12 FCC Rcd 8776, 8809-25 (1997) (“*First Report and Order*”).

⁴ See 47 U.S.C. § 214(e)(5).

definition of service area for such company.⁵ Where Brookings' proposed ETC service area covers an entire rural LEC study area, the South Dakota Public Utility Commission ("SDPUC") may designate Brookings as an ETC without the need to redefine the LEC service areas. Attached as Exhibit C is a list of rural LECs that are covered in their entirety by Brookings' proposed ETC service area.

8. There are 6 rural LECs that Brookings does not cover entirely, solely because Brookings is not licensed by the FCC strictly along LEC boundaries. In order to accommodate CMRS carriers who have authorized service areas that do not match LEC wire centers, states may designate the competitive ETC's service area along boundaries that are not identical with LEC wire center boundaries. To do otherwise would effectively exclude wireless carriers as a class from receiving universal service support and, as discussed in Section VI, *infra*, would be contrary to the pro-competition policies articulated by the FCC and other states. Accordingly, for the LEC wire centers that are only partially covered by Brookings' authorized service area, Brookings requests that the SDPUC designate as an ETC the portion of the wire center where Brookings is authorized to provide service. Attached as Exhibit D is a list of rural LECs that are not covered in their entirety by Brookings' proposed ETC service area, including five single wirecenters belonging to LEC's outside of South Dakota, and therefore, outside of the SDPUC's jurisdiction. For these wirecenters which originate in other states and which overlap into South Dakota we request that the SDPUC utilize its jurisdiction to designate Brookings in the portion of those wirecenters within South Dakota.

IV. Brookings Offers the Supported Services to Qualify for Federal USF Support

9. Section 214(e)(1) of the Act and Section 54.201(d) of the FCC's rules provide that carriers designated as ETCs shall, throughout the designated ETC service area, (1) offer the services that are supported by federal universal service support mechanisms either using their own facilities or a combination of their own facilities and resale of another carrier's services, and

⁵ See 47 C.F.R. §54.207(b).

(2) advertise the availability of such services and the charges therefore using media of general distribution. 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d). The services which are supported by the federal USF are:

- 1) voice grade access to the public switched network;
- 2) local usage;
- 3) dual tone multi-frequency signaling or its functional equivalent;
- 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).

10. Brookings is a full-service wireless carrier that now offers all of these services, as described in detail below. Brookings has consistently demonstrated its capability to offer the supported services. Brookings therefore satisfies the requirements of Section 214(e)(1) of the Act.

11. Voice Grade Access. Brookings provides voice grade access to the public switched network through interconnection arrangements with local telephone companies. Brookings offers its subscribers this service at bandwidth between 300 and 3,000 hertz as required by 47 C.F.R. 54.101(a)(1), thereby providing voice grade access. Brookings commits to respond to reasonable requests for service by providing service to a customer who has a billing address in the service area at the customer's billing address or at a different address specified by the customer that represents the customer's home or work location.⁶ Brookings will also pursue a number of steps to assist customers to receive Brookings' service and will continue to provide reasonable assistance, which can include providing enhanced equipment such as an external fixed antenna on a car or home; a "cell extender" or more powerful telephone; adjustment of

⁶ *Virginia Cellular, LLC*, FCC 03-338, *Memorandum Opinion and Order* (rel. Jan. 22, 2004) at ¶ 15 ("*Virginia Cellular Order*").

Brookings' existing antennas or providing a "repeater" to improve service; or the construction of new infrastructure.⁷

12. Local Usage. Brookings has a variety of rate plans that provide local usage consistent with 47 C.F.R. § 54.101(a)(2). To date, the FCC has not quantified a minimum amount of local usage required to be included in a universal service offering, but has initiated a separate proceeding to address this issue.⁸ As it relates to local usage, the *October 1998 NPRM* sought comment on a definition of the public service package that must be offered by all ETCs. Specifically, the FCC sought comment on how much, if any, local usage should be required to be provided to customers as part of a universal service offering.⁹ In the *First Report and Order*, the FCC deferred a determination on the amount of local usage that a carrier would be required to provide.¹⁰ In 2002, the Joint Board did not specifically recommend an amount of local usage, but left it to the FCC to decide whether a minimum should be imposed. To date, the FCC has determined that when a carrier offers a variety of rate plans containing varying amounts of local usage, it meets that local usage requirement.¹¹

⁷ *Id.*

⁸ *Federal-State Joint Board on Universal Service, Guam Cellular and Paging, Inc. d/b/a Guamcell Communications Petition for Designation as an Eligible Telecommunications Carrier in the Territory of Guam*, 17 FCC Rcd 1502, 1506-07 (rel. Jan. 25, 2002) ("Guamcell"); *Federal-State Joint Board on Universal Service, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 13 FCC Rcd 21252 (1998) ("*October 1998 NPRM*"); *Federal-State Joint Board on Universal Service Order*, 17 FCC Rcd 22642, (rel. Nov. 8, 2002) ("*Referral Order*").

⁹ *See October 1998 NPRM*, 13 FCC Rcd at 21277-21281.

¹⁰ *See First Report and Order*, 12 FCC Rcd at 8813.

¹¹ *Virginia Cellular, supra*, at para. 20; *See Also, Referral Order and RCC Washington Order; See also, Federal State Joint Board on Universal Service Notice of Proposed Rulemaking*, 18 FCC Rcd 2932, (rel. February 25, 2003) in which the FCC asked for comment on the amount of local usage (if any) that should be required of ETCs.

13. Brookings offers various rate plans which provide customers with a variety of local usage included free of charge, ranging from a set number of minutes to unlimited local calling. Any minimum local usage requirement established by the FCC will be applicable to all designated ETCs, and Brookings will comply with any and all minimum local usage requirements adopted by the FCC.

14. DTMF Signaling. Brookings provides dual tone multi-frequency (“DTMF”) signaling to facilitate the transportation of signaling throughout its network. Brookings currently uses out-of-band digital signaling and in-band multi-frequency (“MF”) signaling that is functionally equivalent to DTMF signaling.

15. Single Party Service. “Single-party service” means that only one party will be served by a subscriber loop or access line in contrast to a multi-party line.¹² Brookings provides single party service, as that term is defined in Section 54.101 of the FCC’s rules. *See* 47 C.F.R. § 54.101.

16. Access to Emergency Services. Brookings currently provides 911 access to emergency services throughout its service area.

17. Access to Operator Services. Brookings provides customer access to operator services. Customers can reach operator services in the traditional manner by dialing “0”.

18. Access to Interexchange Services. Brookings has signed an interconnection agreement with an interexchange carrier. This arrangement enables Brookings to provide its customers access to interexchange services. Customers may also “dial around” to reach their interexchange carrier of choice.

19. Access to Directory Assistance. Subscribers to Brookings’ services are able to dial “411” or “555-1212” to reach directory assistance from their mobile phones.

¹² *Id.*, 18 FCC Rcd. at 8810.

20. Toll Limitation. Brookings provides toll limitation by utilizing its toll blocking capabilities, enabling Brookings to provide toll blocking service for Lifeline customers once Brookings is designated an ETC.

21. Pursuant to Section 54.201 of the FCC's rules, 47 C.F.R. § 54.201, Brookings will advertise the availability of each of the supported services detailed above, throughout its licensed service area, by media of general distribution. The methods of advertising utilized may include newspaper, magazine, direct mailings, public exhibits and displays, bill inserts, and telephone directory advertising. In addition, Brookings will advertise the availability of Lifeline and Linkup benefits throughout its service area by including mention of such benefits in advertising and reaching out to community health, welfare, and employment offices to provide information to those people most likely to qualify for Lifeline and Linkup benefits.

22. It is important to note however, that while applicants for ETC designation must be capable of providing all of the above-referenced services, carriers are not required to actually provide service in its proposed ETC service area prior to designation. To require actual provision of the supported services prior to designation would contradict the pro-competitive goals of the Telecommunications Act of 1996.¹³ The FCC has made clear that a carrier is only required to provide the supported services once it is designated as an ETC because “[t]he language of the statute does not require the actual provision of service prior to designation.”¹⁴ In addition to

¹³ See Joint Explanatory Statement of the Committee of Conference, H.R. Conf. Rep. No. 458, 104th Cong., 2d Sess. At 113 (purpose of 1996 amendments “to provide for a pro-competitive, de-regulatory national policy framework” aimed at fostering rapid deployment of telecommunications services to all Americans “by opening all telecommunications markets to competition . . .”).

¹⁴ See 47 U.S.C. § 214(e)(1); *Virginia Cellular Order*, *supra*, at ¶17; *Federal-State Joint Board on Universal Service, Western Wireless Corporation Petition for Preemption of an Order of the South Dakota Public Utilities Commission*, 15 FCC Rcd 15168 at ¶¶ 10, 14 (2000) (“*Declaratory Ruling*”); *The Filing by GCC License Corporation for Designation as an Eligible Telecommunications Carrier*, 2001 S.D. 32, 623 N.W. 2d 474, ¶ 19 (S.D. 2001).

others, the SDPUC has previously concurred with this view in its grant of ETC status to Western Wireless.¹⁵

V. Grant of Brookings' Petition Will Serve the Public Interest

23. In areas served by non-rural LECs, the Commission can designate Brookings as an ETC upon finding that the company meets the nine-point checklist and that it agrees to advertise the supported services throughout its proposed ETC service area.¹⁶ In areas served by a rural telephone company, the Commission must also find that a grant of ETC status would serve the public interest.¹⁷ In numerous cases decided by the FCC and state commissions, the answer has been in the affirmative.¹⁸

¹⁵ See *Order Designating Western Wireless as an Eligible Telecommunications Carrier; Findings of Fact and Conclusions of Law; and Notice of Entry of Order*, TC03-191 (September 2, 2004) (“*Western Wireless South Dakota Order*”); *Washington Utilities and Transportation Commission Order Granting Petition For Designation as an Eligible Telecommunications Carrier*, Docket No. UT-023033 (August 14, 2002), (“*RCC Washington ETC Order*”); *RCC Holdings, Inc.*, DA 02-3181 (W.C.B. rel. Nov. 25, 2002) (“*RCC Alabama ETC Order*”); *Cellular South License, Inc.*, DA 02-3317 (W.C.B. rel. Dec. 4, 2002) (“*Cellular South Alabama Order*”).

¹⁶ See *Cellular South Licenses, Inc.*, Docket No. 01-UA-0451 (Dec. 18, 2001) (Mississippi).

¹⁷ See 47 U.S.C. § 214(e)(2).

¹⁸ See, e.g., *Western Wireless South Dakota Order*, *supra*; *Virginia Cellular*, *supra*; *Alaska Digitel, L.L.C. Order Granting Eligible Telecommunications Carrier Status and Requiring Filings*, Docket U-02-39, Order No. 10 (August 28, 2003) (“*Alaska Digitel Order*”); *Midwest Wireless Communications, LLC Petition for Designation as an Eligible Telecommunications Carrier in Minnesota, Order affirming Administrative Law Judge Findings of Fact, Conclusions of Law and Recommendation* (March 19, 2003) and *Order Granting Approval and Requiring Further Filing*, OAH Docket No. 3-2500-4980-2, PUC Docket No. PT6153/AM-02686 (August 5, 2003) (*Midwest Minnesota Order*); *Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, 16 FCC Rcd 48, 55 (2000) (“*Western Wireless Wyoming Order*”), *aff'd*, 24 CR 1216 (Oct. 19, 2001) (“*Western Wireless Recon. Order*”); *Smith Bagley, Inc., Final Order*, Utility Case No. 3026 (Feb. 19, 2002) (New Mexico); *Smith Bagley, Inc.*, Docket No. T-02556A-99-0207 (Az. Corp. Comm. Dec. 15, 2000) (“*SBI Arizona ETC Order*”); *Midwest Wireless Iowa, L.L.C.*, Docket No. 199 IAC 39.2(4) (Iowa Util. Bd. July 12, 2002) (“*Midwest Iowa Order*”); *RFB Cellular, Inc.*, Case No. U-13145 (Mich. P.S.C. Nov. 20, 2001) (“*RFB Michigan Order*”); *RCC Washington Order*, *supra*; *Cellular South Alabama Order*, *supra*; *RCC Holdings, Inc.*, DA 02-3181 (W.C.B. rel. Nov. 25, 2002) (“*RCC Alabama Order*”); *Pine Belt Cellular, Inc. and Pine Belt PCS, Inc.*, 17 FCC Rcd. 9589 (rel. May

24. The public interest is to be determined by following guidance provided by Congress in adopting the Telecommunications Act of 1996 (“1996 Act”) and the FCC in its enabling orders.¹⁹ The overarching principles embodied in the 1996 Act are to “promote competition and reduce regulation...secure lower prices and higher quality services...and encourage the rapid deployment of new telecommunications technologies.”²⁰ In its implementing orders, the FCC ruled that the pro-competitive and deregulatory directives from Congress required universal service support mechanisms to be competitively neutral and portable among eligible carriers.²¹

24, 2002) (“*Pine Belt ETC Order*”); *N.E. Colorado Cellular, Inc.*, Docket No. 00A-315T (Dec. 21, 2001) (Colorado); *Minnesota Cellular Corporation’s Petition for Designation as an Eligible Telecommunications Carrier*, Docket No. P5695/M-98-1285 (Oct. 27, 1999) (Minnesota); *RCC Minnesota, Inc. Request for Designation as an Eligible Telecommunications Carrier, Order*, Docket No. 2002-344 (Maine PUC, May 13, 2003) (“*RCC Maine Order*”); *RCC Holdings, Inc. d/b/a Unicel*, Docket No. 02-UA-533 (Mississippi Public Service Commission, Dec. 2, 2002) (“*RCC Mississippi Order*”); *RCC Atlantic, Inc.*, Docket No. 5918 (Vermont Public Service Board, Final Order Entered June 26, 2003) (“*RCC Vermont Order*”); and, *RCC Minnesota, Inc.*, Docket No. OAH Docket No. 3-2500-15169-2, PUC Docket No. PT6182,6181/M-02-1503 (Minnesota Public Utilities Commission, June 30, 2003) (“*RCC Minnesota Order*”); *United States Cellular Corporation Third Supplemental Order Granting Petition for Designation as an Eligible Telecommunications Carrier*, Docket No. UT-970345 (Washington Utilities and Transportation Commission, January 27, 2000) (“*US Cellular Washington Order*”); *United States Cellular Corporation Final Decision*, Docket No. 8225-TI-102 (Public Service Commission of Wisconsin, December 20, 2002) (“*US Cellular Wisconsin Order*”); and, *United States Cellular Corporation, et al.*, Docket No. 199 IAC 39.2(4) (Iowa Util. Bd. January 15, 2002) (“*US Cellular Iowa Order*”)

¹⁹ Pub. L. No. 104-104, 110 Stat. 56 (1996); *See also, First Report and Order, supra; Federal-State Joint Board on Universal Service, Ninth Report and Order and Eighteenth Order on Reconsideration*, 14 FCC Rcd. 20432, 20480 (rel. Nov. 2, 1999) (“*Ninth Report and Order*”); *Fourteenth Report and Order, supra. See also NAACP v. FPC*, 425 U.S. 662, 669 (1976); *accord, e.g., Office of Communication of the United Church of Christ v. FCC*, 707 F.2d 1413, 1427 (D.C. Cir. 1983); *Bilingual Bicultural Coalition on Mass Media, Inc. v. FCC*, 595 F.2d 621, 628 & n.22 (D.C. Cir. 1978).

²⁰ *Id.* (preamble).

²¹ *First Report and Order, supra*, 12 FCC Rcd at 8801, 8861-62; *Ninth Report and Order, supra*, 14 FCC Rcd at 20480.

25. The SDPUC must determine whether designation of Brookings as an ETC will promote the principles embodied in the 1996 Act, specifically the goal of ensuring that consumers in rural, insular, and high-cost areas “have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and are available at rates that are reasonably comparable to rates charged for similar services in urban areas.”²²

26. In considering whether Brookings’ designation will bring new and cost-effective services to rural areas, the SDPUC may properly weigh the public cost against the public benefits. The Minnesota Public Utilities Commission used such a balancing test in its analysis of Minnesota Cellular’s application for ETC designation, determining that the petitioner had produced credible evidence of its intent and ability to offer service and the benefits to Minnesota consumers.²³ The benefits to consumers were weighed against costs, which the ILECs mostly claimed to be costs to their business.

A. Increased Consumer Choice and Service Quality.

27. Designation of Brookings will advance universal service, promote competition and facilitate the provision of advanced communications services to the residents of rural South Dakota. Residents in many rural areas have long trailed urban areas in receiving competitive local exchange service and advanced telecommunications services. In many rural areas, no meaningful choice of local exchange carrier exists.

²² See 47 U.S.C. § 254(b)(3).

²³ See *Minnesota Cellular, supra*, at pp. 16-18. See also, *Midwest Minnesota Order, supra*, wherein the Minnesota PUC affirmed its public interest analysis in the Minnesota Cellular decision. We note that the Federal-State Joint Board on Universal service recently declined to recommend the use of a balancing test. *Joint Board 2004 Recommended Decision*, FCC 04J-1 (Feb. 27, 2004) at para. 42.

28. To date, a number of wireless carriers have been designated as ETCs in multiple states, including the designation by this Commission of Western Wireless in South Dakota.²⁴ Recognizing the advantages wireless carriers can bring to the universal service program, the FCC has found that “imposing additional burdens on wireless entrants would be particularly harmful to competition in rural areas, where wireless carriers could potentially offer service at much lower costs than traditional wireline service.”²⁵ The FCC recognized this fact in its initial decision designating Western Wireless as an ETC in the State of Wyoming, observing: “Designation of competitive ETCs promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies.”²⁶

29. Brookings will use high-cost support to deliver all of these benefits by constructing new facilities and improving existing facilities within the state of South Dakota. Brookings projects that it will receive approximately \$100,000 in support during the first year of its designation as an ETC. With funding, the company commits to construct additional facilities to provide improved wireless service quality, reduce dead spots, and extend telephone service. Brookings anticipates commencing construction of new facilities that would bring new and/or improved wireless services to the communities in or around the City of Madison in Lake County,

²⁴ See, e.g., *Western Wireless South Dakota Order*, *supra* (South Dakota); *RCC Washington Order*, *supra* (Washington); *Midwest Minnesota Order*, *supra* (Minnesota); *Guamcell*, *supra* (Guam); *Cellular South Licenses, Inc.*, *supra* (Alabama); *N.E. Colorado Cellular, Inc.*, *supra* (Colorado); *Minnesota Cellular Corporation*, *supra* (Minnesota); *RCC Holdings, Inc.*, *supra* (Alabama); *Pine Belt Cellular, Inc. and Pine Belt PCS, Inc.*, *supra* (Colorado); *RFB Cellular, Inc.*, *supra* (Michigan); *Midwest Iowa Order*, *supra* (Iowa); *Western Wireless Wyoming Order*, *supra* (Wyoming); *Smith Bagley, Inc.*, *supra* (Arizona); *Smith Bagley.*, *supra* (New Mexico); *RCC Holdings, Inc.*, *supra* (Mississippi); *RCC Minnesota, Inc.*, *supra* (Maine); *RCC Vermont Order*, *supra* (Vermont); *RCC Minnesota Order*, *supra* (Minnesota).

²⁵ *First Report and Order*, 12 FCC Rcd at 8882-83.

²⁶ *Western Wireless Wyoming Order*, *supra*.

South Dakota. Should business conditions cause Brookings to change its construction plans, the company will disclose that to the Commission in its annual report of how support was used over the past year.²⁷

30. As Brookings constructs additional cell sites in high-cost areas to improve the quality of its radio frequency (“RF”) signal, its customers will have a greater choice among service providers. In fact, this Commission has already found that a wireless carrier’s service offerings will bring benefits, including increased choices.²⁸ Some will have the option to receive Brookings’ service for the first time. others will see service quality and reliability improvement such that they may choose Brookings as their telecommunications provider. The company has every incentive to meet its commitment because use of such funds in this manner will improve its competitive position in the marketplace. Moreover, it has every incentive to maintain or improve reliability and to lower its prices over time because it can only receive high-cost support when it has a customer.²⁹

31. Lastly, with ETC designation, Brookings will implement its Lifeline and Link-Up programs, which will offer service to those lowest income customers, which have not previously had the opportunity to afford any choice in telephone service. A commitment to reach out to the low income community through active participation in the Lifeline and Link Up programs is an

²⁷ Brookings’ build-out plan may evolve over time in response to consumer demand. If it does, Brookings will explain how and why its plans have changed and that such changes are consistent with the company’s commitment to fulfill its universal service obligations. This commitment is consistent with that which was accepted by the FCC in the *Virginia Cellular Order, supra* at ¶. 17.

²⁸ *Western Wireless South Dakota Order, supra, at* ¶20.

²⁹ Lowering of prices has never been an issue in the wireless industry, not to mention that if a carrier does not use funding as required, ETC status may be revoked.

essential element in demonstrating that the public interest will be served by a grant of this petition. Many low income persons need a mobile phone and Brookings will offer them the opportunity to choose a mobile service plan for the first time.

B. Health and Safety Benefits.

32. Similarly, in designating the cellular carrier Smith Bagley, Inc. as an ETC in Arizona, the state commission found competitive entry to provide additional consumer choice and a potential solution to “health and safety risks associated with geographic isolation.”³⁰ Citizens in rural areas depend on mobile phones more and more to provide critical communications needs.

33. The FCC recognized the important health and safety benefits of a mobile telephone in the Virginia Cellular case.³¹ It is self-evident that every time Brookings adds a cell site or increases channel capacity, the number of completed calls, including important health and safety calls, will increase. All wireless carriers are required to implement Phase II E-911 service over the next several years. E-911, which permits a caller to be located and tracked, will be useless in areas where RF is weak or non-existent. Thus, for every cell site that Brookings constructs, the reliability and performance of Brookings’ E-911 service will improve. It would be difficult to overstate the important public interest benefit that will be realized by supporting improvement to critical wireless infrastructure.

C. Competitive Response.

34. One of the principal goals of the 1996 Act was to “promote competition and reduce regulation in order to secure lower prices and high-quality services for American

³⁰ *Smith Bagley, Inc., Order*, Decision No. 63269, Docket No. T-02556A-99-0207, at p. 12 (Dec. 15, 2000) (Arizona).

telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.”³² Competition in rural areas increases facilities and spurs development of advanced communications as carriers vie for a consumer’s business.

35. The public interest standard under Section 214(e)(2) for designating ETCs in territories served by rural telephone companies emphasizes competition and consumer benefit, not incumbent protection. In considering the impact that Western Wireless’ ETC designation in Wyoming would have on rural telephone companies, the FCC said:

We do not believe that it is self-evident that rural telephone companies cannot survive competition from wireless providers. Specifically, we find no merit to the contention that designation of an additional ETC in areas served by rural telephone companies will necessarily create incentives to reduce investment in infrastructure, raise rates, or reduce service quality to consumers in rural areas. To the contrary, we believe that competition may provide incentives to the incumbent to implement new operating efficiencies, lower prices, and offer better service to its customers.³³

Further, Congress has mandated that universal service provisions be “competitively neutral” and “necessary to preserve and advance universal service.” *See* 47 U.S.C. §253(b). Brookings will provide consumers with wider local calling areas, mobile communications, a variety of service offerings, high-quality service, and competitive rates. By offering customers new choices, the incumbent LECs will have an incentive to introduce new, innovative, or advanced service offerings.

³¹ *Virginia Cellular Order, supra*, at para. 29.

³² *See* 1996 Act (preamble).

³³ *Western Wireless Wyoming Order, supra*, 16 FCC Rcd at 57; *See also, RCC Washington Order* at pp. 16-17.

36. In most rural areas, wireless telephone service is today a convenience, but it will not emerge as a potential alternative to wireline service unless high-cost loop support is made available to drive infrastructure investment. Indeed, without the high-cost program it is doubtful that many rural areas would have wireline telephone service even today. Provision of high-cost support to Brookings will begin to level the playing field with the incumbent LECs and make available for the first time a potential competitor for primary telephone service in remote areas of South Dakota.³⁴

37. The consumer benefits of designating competitive ETCs are already becoming evident. New ETCs in, for example, Arizona, Colorado, Minnesota, Oregon, Washington, Maine, New Mexico and Mississippi, have earmarked high-cost support funds for additional channel capacity, new cell sites, and expedited upgrading of facilities from analog to digital. RCC is today building infrastructure in rural areas in several states where it has been designated.

38. With high-cost support in South Dakota, Brookings will have the further opportunity to improve its network such that more customers will rely on wireless service as their primary phone.

D. State and Federal Precedent.

39. Designation of Brookings as an ETC is consistent with ETC decisions across the country. There are now at least thirty cases at the state and federal level where designation of a

³⁴ See, e.g., *Midwest Wireless Communications, LLC ALJ's Findings of Fact, Conclusions of Law, and Recommendation*, OAH Docket No. 3-2500-14980-2, PUC Docket No. PT6153/AM-02-686 (ALJ Dec. 31, 2002) at para. 37 (“although Midwest Wireless has been successful in obtaining conventional cellular customers, it does not currently compete for basic local exchange service. Designation of Midwest as an ETC would provide the support necessary to allow Midwest to provide...service and to enhance its network so that it can compete for basic local exchange service...Competition would benefit consumers in southern Minnesota by increasing customer choice (from no choice in most areas to more than one) and providing services made possible by wireless technologies.”)

wireless carrier as an ETC in a rural area was found to be in the public interest. Numerous state commissions and the FCC have repeatedly found that designating wireless carriers as ETCs will promote competition, advance universal service, and further the deployment of advanced services. For example, in its decision to designate RCC Minnesota, Inc. as an ETC, the Washington Utilities and Transportation Commission stated: “Granting ETC designation to RCC ... will facilitate the telecommunications choices available to rural citizens, support the growth of new technologies and services, preserve and advance universal service, and promote competition and the benefits it brings.”³⁵ More recently, in designating Alaska Digital, LLC as an ETC in Alaska, the Regulatory Commission of Alaska held that, “Granting the application will also provide customers more choices for meeting their communications needs....customers will also have a choice in local calling areas, including an option for a wider local calling area than offered by the incumbent....”³⁶ Similarly, in its decision designating Western Wireless as an ETC in the State of Wyoming, the FCC held: “Designation of competitive ETCs promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies.”³⁷ This Commission too, recently designated Western Wireless as an ETC in South Dakota, finding that, “Western Wireless’ service offerings will bring benefits, including increased choices, expanded local calling areas, and mobility.”³⁸

40. In a recent state ETC proceeding involving US Cellular, the Wisconsin Public Service Commission held:

³⁵ *RCC Washington Order, supra* at ¶68.

³⁶ *Alaska Digital Order, supra* at p. 13.

³⁷ *Western Wireless Wyoming Oder, supra* n. 26, 16 FCC Rcd at 55 (2000).

³⁸ *Western Wireless South Dakota Order, supra, at* ¶ 20.

The Commission finds that designating US Cellular as an ETC in areas served by rural companies will increase competition in those areas and, so, will increase consumer choice ... Further, designation of another ETC may spur ILEC infrastructure deployment and encourage further efficiencies and productivity gains. Additional infrastructure deployment, additional consumer choices, the effects of competition, the provision of new technologies, a mobility option and increased local calling areas will benefit consumers and improve the quality of life for affected citizens of Wisconsin.³⁹

Similarly, in designating US Cellular as an ETC in the State of Washington, the Washington Utilities and Transportation Commission stated that “rural customers will benefit from the increased availability of wireless service. These benefits include increased mobility and increased level of service.”⁴⁰

41. The FCC found that designating Virginia Cellular as an ETC would not “dramatically burden” the USF and that Virginia Cellular’s proposal did not constitute “cream skimming.”⁴¹ The FCC also found that USF support for Virginia Cellular would be negligible.⁴²

42. Brookings’ designation covers *all* but 9 rural service areas in the state (described below). Thus, there can be no question as to so-called “cream skimming.” Brookings will offer and advertise its service throughout 100% of its service area, including the service areas of all ILECs operating therein, other than those which have a study area that extends into area where Brookings is not licensed. For all of the above reasons, the public interest would be served by the designation of Brookings as a competitive ETC throughout its requested service area.

³⁹ *United States Cellular Corporation, Final Decision*, 8225-TI-102 (Wisconsin, Dec. 20, 2002), p. 8.

⁴⁰ *United States Cellular Corporation*, Docket No. UT-970345 (Third Supplemental Order Granting Petition, Jan. 27, 2000) at para. 41.

⁴¹ *Virginia Cellular* ¶¶ 31-32.

⁴² *Id.* ¶ 34.

E. Service Quality

43. Grant of Brookings' petition will bring innovative and unique benefits to South Dakota consumers. Brookings' consumers may select local calling plans that extend the local calling area that permits a phone to be used in the home mode throughout the region. Brookings employs CDMA technologies throughout the region so as to provide high quality voice services but also high-speed data. Consumers on Brookings' system, or any compatible system constructed in urban areas, will find the company's compatible technology deployed in many hard to reach areas.

44. Brookings already provides consumers with a high quality service. The company employs a regional staff of more than 60 people, including an experienced engineering and technical support team that provides on-call emergency support 24 hours a day, seven days a week. Brookings' response time to an outage report is normally less than one hour.

45. Brookings' system is reinforced by the presence of battery backups installed at its cell sites, accompanied by generators at more remote and key communication sites, along with diesel generators at its switch, which are capable of running indefinitely in the event of a major electrical outage. In addition, the company has generators that can be moved to individual cell sites to supplement back-up batteries. Back-up batteries at Brookings' primary cell sites provide at least 4 hours of back-up power, along with diesel generators that will run unattended up to several days before refueling is necessary. In the event of power or other types of fault, the cell sites are equipped with alarms that will alert our technicians. Additionally, the sites are monitored remotely by the switch should there be a total communications failure at the site.

46. Brookings' service has a call completion rate of roughly 97% during the busy hour. Service quality comments are forwarded to the company's operations department to enable

it to monitor network performance and improve customer service. The company's customer service representatives may be reached toll- and airtime-free. Customer service representatives may be contacted through a number of convenient methods, including: (1) visiting any of the company's seven locally-owned retail/customer service locations in South Dakota (2) a 1-800 toll-free number from any phone; (3) by dialing *2, toll and airtime-free, from their wireless handset; or (4) by contacting our customer care center through the e-mail address provided on our web site at www.swiftel.net or www.sprint.pcs.com.

47. Brookings provides high-quality handsets, made by variety of manufacturers including Nokia, Sanyo, Samsung and LG that are lightweight, highly portable, and easy to use. Customers have the option of purchasing headsets, car adapters, extended batteries, and other accessories.

48. Brookings will construct new facilities with high-cost support to improve service quality levels to rural South Dakota consumers. The difference between Brookings' network today and that of wireline carriers is that they have been subsidized for decades, and continue to be. As a result, they are capable of providing a high level of service quality to consumers they reach. Brookings provides high service quality levels in every area where it has strong signal strength.

49. Just like ILECs, there are many areas where Brookings would like to provide service but cannot without support. If designated, Brookings commits to extend service to customers upon reasonable request. When ILECs began serving South Dakota, most of the state did not have service. They had an opportunity to extend service to rural areas. Brookings requests that same opportunity. In areas where signal strength is weak and where no business plan supports construction of new facilities, and Brookings will use high-cost support to

construct facilities to improve signal strength and serve consumers with top quality mobile service that urban consumers enjoy today.

G. Regulatory Compliance Matters.

50. Brookings is familiar with the regulatory compliance matters discussed in Virginia Cellular. Although the question whether the FCC has the authority to impose such conditions on CMRS carriers is under review, Brookings will commit to the conditions outlined in Virginia Cellular in this proceeding.⁴³ Brookings has committed to the CTIA Consumer Code For Wireless Service and will do so here. In sum, Brookings will file reports with the Commission consistent with those required by the Commission in the Western Wireless case so that the Commission can be appropriately advised that Brookings has used high-cost support lawfully, will use it lawfully in the future, is responding to consumer requests for service, including an annual report of such requests that went unfulfilled and verifying the steps Brookings took to attempt to provide service, an annual report on its proposed plan for construction of new facilities and service enhancements to existing facilities, and, an annual report detailing consumer complaints received during the previous year.⁴⁴

51. Brookings has provided specific facts demonstrating that a grant of its petition will serve the public interest. For all of the above reasons, the public interest would be served by the designation of Brookings as a competitive ETC throughout its requested service area.

⁴³ See, e.g., Petition for Reconsideration of the *Virginia Cellular Order*, seeking reconsideration of the Commission's imposing certain regulatory conditions, filed by several interested parties. Swiftel agrees to those conditions in this case because the Commission's *Virginia Cellular Order* has not been stayed pending review.

⁴⁴ *Western Wireless South Dakota Order*, pp. 7-9.

VI. Brookings Requests Redefinition of Rural LEC Service Areas.

52. Brookings requests the SDPUC to redefine the following Rural LEC Service Areas: Fort Randall Telephone Company (“Fort Randall”), Interstate Telecommunications Cooperative – South Dakota (“Interstate”), Sioux Valley Telephone Company (“Sioux Valley”), Citizens Telecommunications Company – MN d/b/a Frontier Communications – MN (Frontier MN”), Interstate Telecommunications Cooperative – Minnesota (“ITC-MN”), Heartland Telecomm Cooperative d/b/a Hickorytech (“Hickorytech”), as explained herein.

53. Brookings requests the SDPUC to classify each rural LEC wire center listed on Exhibit D as a separate service area. Once the SDPUC establishes redefined service areas for the aforementioned rural LECs, either the SDPUC or Brookings may file a petition requesting the FCC to concur with the state’s redefinition. For the Frontier MN Jasper (JSPRMNXJ), the ITC-MN Hendricks (HNDRMNXH), the Hickorytech West Akron (AKRNIAAE), Hickorytech Hawarden (HWRDIAAE) and Sioux Valley Larchwood (LRWDIAXO) wirecenters which originate in neighboring states, Brookings requests that the SDPUC grant Brookings ETC designation in those portions of the aforementioned wirecenters which fall under the SDPUC’s jurisdiction in South Dakota.⁴⁵ Section 214(e)(6) of the Act specifically directs the Commission to designate a carrier as an ETC only in those instances when the relevant state commission lacks jurisdiction.⁴⁶

⁴⁵ See *Western Wireless Wyoming Order*, *supra*, at p. 59, and *Cellular South Alabama Order*, *supra*, at pp. 5-6, wherein in both cases the FCC noted that it only had authority to designate the respective Petitioner in the portion of its service area within the requested state’s borders since each state has the opportunity to either accept or decline jurisdiction of ETC designations within its own borders.

⁴⁶ 47 U.S.C. § 214(e)(6).

54. In considering the redefinition of a rural LEC service area, the SDPUC must take into account the recommendations of the Joint Board. In the *Recommended Decision*⁴⁷ that laid the foundation for the FCC's *First Report and Order*, the Joint Board recommended that state commissions consider three issues when redefining a service area.

55. First, the Joint Board noted that breaking down ETC service areas below the study area level may create the potential for "cream skimming," which could occur if a competitor proposed to only serve the lowest-cost exchanges.⁴⁸ There is no possibility for cream skimming in this case because Brookings is restricted to providing service in those areas where it is licensed by the FCC. Brookings is not picking and choosing among exchanges. On the contrary, Brookings has based its requested ETC area solely on its licensed service area. Moreover, as of May 2002, all rural ILECs, were required to select among the three paths adopted in the *Fourteenth Report and Order* for the disaggregation and targeting of high-cost support below the study area level. When support is no longer averaged across an incumbent LEC's study area, a competitor no longer has the incentive or ability to enter into incumbent LEC service territories in an uneconomic manner.⁴⁹

56. Although Brookings does not agree with the FCC's use of population density as a predictor of costs in the *Virginia Cellular* case,⁵⁰ Brookings here meets the FCC's criteria in its analysis of population density as a means of determining the possibility of cream skimming. As indicated by the population density figures in the attached Exhibit F, Brookings serves wire

⁴⁷ *Federal-State Joint Board on Universal Service, Recommended Decision*, 12 FCC Rcd 87 (1996) ("*Recommended Decision*").

⁴⁸ *Recommended Decision*, 12 FCC Rcd at 179-80.

⁴⁹ See *Fourteenth Report and Order*, *supra*, 16 FCC Rcd at 11302.

⁵⁰ See, *Virginia Cellular Order*, *supra* at ¶¶ 34-35.

centers which contain an even distribution of the population and does not serve only low-cost portions of wire centers. In fact, Brookings serves wire centers which have a lower than average population density than comparable rural LEC's service areas.

57. For example, in Interstate's wire centers, which have a range of populations from 3.1 to 29.9 and an average population density of 9.47, Brookings serves wire centers with an average population density of 9.42 and serves a wire centers with a variety of populations within the overall range. The results of the population density study are attached as Exhibit F.

58. In the Fort Randall and Sioux Valley study areas, Brookings is forced to exclude some of the lower density wire centers from its proposed ETC service area only because the excluded wire centers are located well outside of Brookings' FCC-licensed service area.

59. Second, the Joint Board emphasized the special status of rural carriers under the 1996 Act.⁵¹ In deciding whether to designate Brookings as an ETC, the SDPUC will weigh numerous factors and will consider how the public interest is affected by an award of ETC status pursuant to 47 U.S.C. § 214(e)(2). Accordingly, if the SDPUC finds that Brookings' ETC designation is in the public interest, the special status of the rural carriers will have been considered for purposes of determining whether Brookings' service area designation should be adopted for federal universal service funding purposes. Further, Brookings notes that no action in this proceeding will affect or prejudice any future action the SDPUC or FCC may take with respect to the LECs' status as a rural telephone company.

60. Finally, the Joint Board recommended that the FCC and state commissions consider the administrative burden a rural LEC would face by calculating its costs on a basis

⁵¹ See *Recommended Decision*, 12 FCC Rcd at 180.

other than its entire study area.⁵² In the instant case, Brookings is proposing to redefine rural LEC service areas solely for ETC designation purposes. Service area redefinition for ETC purposes will in no way impact the way the rural LECs referenced herein calculate their costs, but it is solely to determine the area in which Brookings is to be designated as an ETC.⁵³ Accordingly, redefinition of the aforementioned service areas as proposed in this Petition will not impose any additional burdens on the rural LECs.

VII. High-Cost Certification

61. Under FCC Rule Sections 54.313 and 54.314, carriers wishing to obtain high-cost support must either be certified by the appropriate state commission or, where the state commission does not exercise jurisdiction, self-certify with the FCC and the Universal Service Administrative Corporation (“USAC”) their compliance with Section 254(e) of the Federal Telecommunications Act of 1996. 47 C.F.R. §§ 54.313, 54.314. Brookings attaches its high-cost certification letter as Exhibit E hereto. Brookings respectfully requests that the SDPUC issue a finding that Brookings has met the high-cost certification requirement and that Brookings is, therefore, entitled to begin receiving high-cost support as of the date it receives a grant of ETC status in order that funding will not be delayed.⁵⁴

⁵² *Id.*

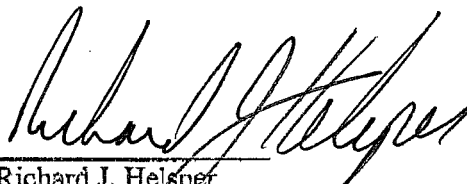
⁵³ LECs may disaggregate their study areas to reallocate high-cost support payments pursuant to the FCC’s *Fourteenth Report and Order*. See *Fourteenth Report and Order*, *supra*, 16 FCC Rcd at 11304 n.377.


⁵⁴ See, e.g. *Guam Cellular and Paging, Inc. Petition for Waiver of FCC Rule Section 54.314*, CC Docket 96-45 (filed Feb. 6, 2002).

WHEREFORE, pursuant to Section 214(e)(2) of the Act, Brookings respectfully requests that the Commission, (1) enter an Order designating Brookings as an ETC for its requested ETC service area as shown on Exhibit A hereto, and (2) certify to the FCC that Brookings will use the support for its intended purpose.

Respectfully submitted,

**Brookings Municipal Utilities
d/b/a Swiftel Communications**

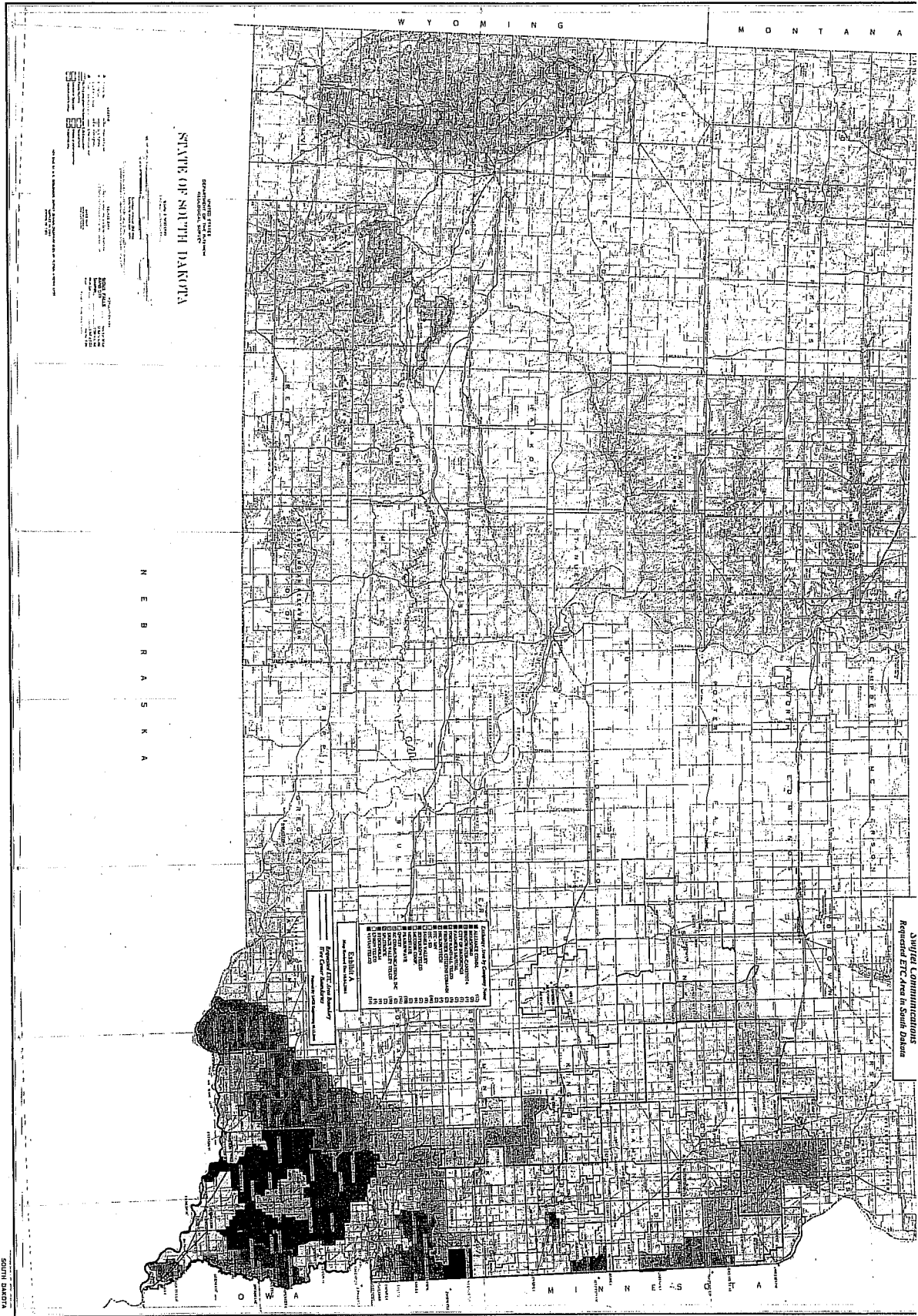
By: 
Richard J. Helsper
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By: 
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(703) 584-8678

October 27, 2004

Exhibit A

MAP OF PROPOSED SERVICE AREA



STATE OF SOUTH DAKOTA

DEPARTMENT OF LAND AND WATER RESOURCES
 DIVISION OF LAND SURVEYING
 1000 EAST BROADWAY
 SIOUX FALLS, SOUTH DAKOTA 57105
 (605) 717-3300
 FAX (605) 717-3301
 WWW.SDSTATE.GOV

N E B R A S K A

LEGEND

- SOLID LINE: SECTION BOUNDARIES
- DASHED LINE: TOWNSHIP BOUNDARIES
- DOTTED LINE: RANGE BOUNDARIES
- THICK SOLID LINE: COUNTY BOUNDARIES
- THIN SOLID LINE: SECTION BOUNDARIES
- THIN DASHED LINE: TOWNSHIP BOUNDARIES
- THIN DOTTED LINE: RANGE BOUNDARIES
- THIN THICK SOLID LINE: COUNTY BOUNDARIES
- THIN THIN SOLID LINE: SECTION BOUNDARIES
- THIN THIN DASHED LINE: TOWNSHIP BOUNDARIES
- THIN THIN DOTTED LINE: RANGE BOUNDARIES
- THIN THIN THICK SOLID LINE: COUNTY BOUNDARIES

Shaded Communications
 Requested ETC Area in South Dakota

SOUTH DAKOTA
 1:50,000
 1998

Exhibit B
Non-Rural LEC Wirecenters For Designation

| <u>Wirecenter</u> <u>Code</u> | <u>Company Name</u> | <u>Locality</u> | <u>Partial/ Entire</u> |
|----------------------------------|---------------------|-----------------|----------------------------|
| ARTNSDCO | QWEST CORPORATION | ARLINGTON | Partial |
| CLMNSDCO | QWEST CORPORATION | COLMAN | Entire |
| CLMNSDAH | QWEST CORPORATION | COLMAN | Entire |
| CNTNSDCO | QWEST CORPORATION | CANTON | Entire |
| ELPNSDCO | QWEST CORPORATION | ELK POINT | Entire |
| FLNDSDCO | QWEST CORPORATION | FLANDREAU | Entire |
| FLNDSDAH | QWEST CORPORATION | FLANDREAU | Entire |
| HRBGSDCO | QWEST CORPORATION | HARISBGTEA | Entire |
| HURNSDCO | QWEST CORPORATION | HURON | Partial |
| MDSNSDCE | QWEST CORPORATION | MADISON | Entire |
| MDSNSDAA | QWEST CORPORATION | MADISON | Entire |
| MDSNSDAR | QWEST CORPORATION | MADISON | Entire |
| MLBNSDAN | QWEST CORPORATION | MILBANK | Entire |
| MLBNSDCO | QWEST CORPORATION | MILBANK | Entire |
| ORVLMNOR | QWEST CORPORATION | ORTONVILLE | Partial |
| SXCYIADT | QWEST CORPORATION | NOSIOUX CY | Partial |
| SXFLSD10 | QWEST CORPORATION | SIOUX FLS | Entire |
| SXFLSD14 | QWEST CORPORATION | SIOUX FLS | Entire |
| SXFLSDCH | QWEST CORPORATION | SIOUX FLS | Entire |
| SXFLSDBS | QWEST CORPORATION | SIOUX FLS | Entire |
| SXFLSDCO | QWEST CORPORATION | SIOUX FLS | Entire |
| SXFLSDPS | QWEST CORPORATION | SIOUX FLS | Entire |
| SXFLSDQA | QWEST CORPORATION | SIOUX FLS | Entire |
| SXFLSDSE | QWEST CORPORATION | SIOUX FLS | Entire |
| SXFLSDSW | QWEST CORPORATION | SIOUX FLS | Entire |
| TEA SDCO | QWEST CORPORATION | TEA | Entire |
| VOLGSDCO | QWEST CORPORATION | VOLGA | Entire |
| VRMLSDCO | QWEST CORPORATION | VERMILLION | Entire |
| VRMLSDAI | QWEST CORPORATION | VERMILLION | Entire |
| VRMLSDAC | QWEST CORPORATION | VERMILLION | Entire |
| WTTWSDCO | QWEST CORPORATION | WATERTOWN | Entire |
| WTTWSDCL | QWEST CORPORATION | WATERTOWN | Entire |
| WTTWSDCI | QWEST CORPORATION | WATERTOWN | Entire |
| YNTNSDAB | QWEST CORPORATION | SO YANKTON | Entire |
| YNTNSDBJ | QWEST CORPORATION | SO YANKTON | Entire |
| YNTNSDCO | QWEST CORPORATION | SO YANKTON | Entire |
| YNTNSDQA | QWEST CORPORATION | SO YANKTON | Entire |

Exhibit C
Rural LECs For Immediate Designation

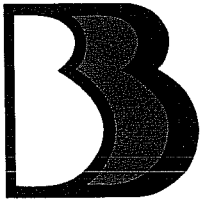
| WC Code | Company Name | Locality |
|----------------|---|-----------------|
| BRNDSDXA | ALLIANCE COMM. COOPEATIVE, INC. (SPLIT ROCK) | BRANDON |
| GRSNSDXA | ALLIANCE COMM. COOPEATIVE, INC. (SPLIT ROCK) | EGARRETSON |
| ALCSSDXA | ALLIANCE COMMUNICATIONS COOPERATIVE, INC. (BAL TIC) | ALCESTER |
| BLTCSDXA | ALLIANCE COMMUNICATIONS COOPERATIVE, INC. (BAL TIC) | BAL TIC |
| CRKSSDXA | ALLIANCE COMMUNICATIONS COOPERATIVE, INC. (BAL TIC) | CROOKS |
| HDSNSDXA | ALLIANCE COMMUNICATIONS COOPERATIVE, INC. (BAL TIC) | HUDSON |
| BRFRSDXA | BERESFORD MUNICIPAL TELEPHONE CO. | BERESFORD |
| BKNGSDXC | CITY OF BROOKINGS MUNICIPAL TELEPHONE DEPT. | BROOKINGS |
| BKNGSDXN | CITY OF BROOKINGS MUNICIPAL TELEPHONE DEPT. | BROOKINGS |
| BKNGSDXB | CITY OF BROOKINGS MUNICIPAL TELEPHONE DEPT. | BROOKINGS |
| BKNGSDXE | CITY OF BROOKINGS MUNICIPAL TELEPHONE DEPT. | BROOKINGS |
| JFSNSDXA | JEFFERSON TELEPHONE CO. | JEFFERSON |
| IRENSDXA | PRAIRIEWAVE COMMUNITY TELEPHONE, INC. | IRENE |
| LNNXSDXA | PRAIRIEWAVE COMMUNITY TELEPHONE, INC. | WORTHING |
| PRKRSDXA | PRAIRIEWAVE COMMUNITY TELEPHONE, INC. | PARKER |
| VBRGSDAA | PRAIRIEWAVE COMMUNITY TELEPHONE, INC. | HURLEY |
| WKNDSDXA | PRAIRIEWAVE COMMUNITY TELEPHONE, INC. | WAKONDA |
| CLCYSDXA | ROBERTS COUNTY TELEPHONE COOPERATIVE ASSN. | CLAIRECITY |
| NWEFSDXA | ROBERTS COUNTY TELEPHONE COOPERATIVE ASSN. | NEWEFFNGTN |
| RVLLSDXA | STOCKHOLM - STRANDBURG TELEPHONE CO. | REVILLO |
| SSHRSDXA | STOCKHOLM - STRANDBURG TELEPHONE CO. | SOUTHSHORE |
| STKHSDXA | STOCKHOLM - STRANDBURG TELEPHONE CO. | STOCKHOLM |
| HRFRSDXA | UNION TELEPHONE CO. | HARTFORD |
| HRFRSDXS | UNION TELEPHONE CO. | WALL LAKE |

Exhibit D
Rural LECs Requiring Disaggregation

| WCtr Code | Company Name | Locality | Partial/ Entire | In/Out | |
|-----------|---|------------|--------------------|--------|--------------|
| JSPRMNXJ | CITIZENS TELECOM CO MN-FRONTIER CITIZENS COM-MN | JASPER | Partial | In | Out of State |
| CNVLSDXA | FORT RANDALL TELEPHONE COMPANY | CENTERVL | Entire | In | |
| HRMSSDXA | FORT RANDALL TELEPHONE COMPANY | HERMOSA | | Out | |
| LKANSDXA | FORT RANDALL TELEPHONE COMPANY | LAKE ANDES | | Out | |
| TABRSDXA | FORT RANDALL TELEPHONE COMPANY | TABOR | Entire | In | |
| TYNDSDXA | FORT RANDALL TELEPHONE COMPANY | TYNDALL | Entire | In | |
| VBRGSDXA | FORT RANDALL TELEPHONE COMPANY | VIBORG | Entire | In | |
| WGNRSDXA | FORT RANDALL TELEPHONE COMPANY | WAGNER | | Out | |
| AKRNIAAE | HEARTLAND TELECOM COMPANY OF IOWA DBA HICKORYTE | WEST AKRON | Partial | In | Out of State |
| HWRDIAAE | HEARTLAND TELECOM COMPANY OF IOWA DBA HICKORYTE | W HAWARDEN | Partial | In | Out of State |
| HNDRMNXH | INTERSTATE TELECOM. COOP., INC. - MINNESOTA | HENDRICKS | Partial | In | Out of State |
| ASTRSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | ASTORIA | Entire | In | |
| BKNGSDXB | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | BROOKINGS | Entire | In | |
| BRDLSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | BRADLEY | Entire | In | |
| BRNTSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | BRANDT | Entire | In | |
| BRYNSD01 | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | BRYANT | Entire | In | |
| CHESSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | CHESTER | Entire | In | |
| CLLKSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | CLEAR LAKE | Entire | In | |
| CLRKSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | CLARK | Entire | In | |
| CSWSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | CASTLEWOOD | Entire | In | |
| EKTNSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | EASTELKTON | Entire | In | |
| ESTLSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | ESTELLINE | Entire | In | |
| FLRNSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | FLORENCE | Entire | In | |
| GARYSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | EAST GARY | Entire | In | |
| GDWNSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | GOODWIN | Entire | In | |
| HAYTSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | HAYTI | Entire | In | |
| LKNRSD01 | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | LAKENORDEN | Entire | In | |
| NUNSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | NUNDA | Entire | In | |
| SINASDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | SINAI | Entire | In | |
| TOROSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | TORONTO | Entire | In | |
| WABYSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | WAUBAY | | Out | |
| WBSTSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | WEBSTER | | Out | |
| WHTESDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | WHITE | Entire | In | |
| WLLKSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | WILLOWLAKE | | Out | |
| WNWOSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | WENTWORTH | Entire | In | |
| COTNSDXA | SIOUX VALLEY TELEPHONE CO. | COLTON | Entire | In | |
| CRSCSDXA | SIOUX VALLEY TELEPHONE CO. | CORSICA | | Out | |
| DLRPSDXA | SIOUX VALLEY TELEPHONE CO. | DELLRAPIDS | Entire | In | |
| HMBLSDXA | SIOUX VALLEY TELEPHONE CO. | HUMBOLDT | Entire | In | |
| LRWDIAXO | SIOUX VALLEY TELEPHONE CO. | NLARCHWOOD | Partial | In | Out of State |
| PLTNSDXA | SIOUX VALLEY TELEPHONE CO. | PLANKINTON | | Out | |
| VYSPSDXA | SIOUX VALLEY TELEPHONE CO. | E VLY SPG | Entire | In | |

Exhibit E

HIGH-COST CERTIFICATION LETTER



BROOKINGS municipal utilities

525 Western Ave. • P.O. Box 588
Brookings, S.D. 57006
(605) 692-6325

October 15th, 2004

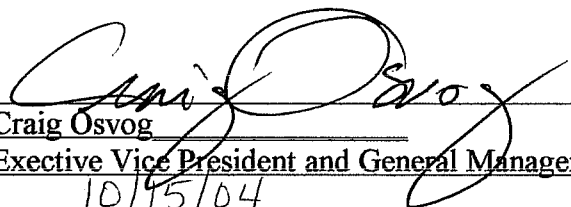
South Dakota Public Utilities Commission
500 East Capital Avenue
Pierre, South Dakota 57501-5070

**Re: Brookings Municipal Utilities
High-Cost Certification**

To the Commission:

Brookings Municipal Utilities ("Brookings", "Company") has submitted a Petition for ETC designation in the State of South Dakota, for its wireless operation, as required by Sections 54.313(b) and 54.314(b) of the Federal Communications Commission's rules, 47 C.F.R. §§ 54.313(b), 54.313(b), RCC hereby submits the certification below in order to begin receiving high-cost support in its designated ETC area.

Accordingly, as Executive Vice President and General Manager of Brookings, I hereby certify on behalf of the company and under penalty of perjury that all high-cost support provided to the Company will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, pursuant to Section 254(e) of the Telecommunications Act of 1996, 47 U.S.C. § 254(e). I also certify that I am authorized to make this certification on the company's behalf.



Craig Osvog
Executive Vice President and General Manager

10/15/04

Date

SUBSCRIBED, SWORN AND ACKNOWLEDGED before me this 15th day of October, 2004.



NOTARY PUBLIC

My Commission Expires: 2-12-09

South Dakota
Population Density Analysis

| WCtr Code | Company Name | Locality | Area | Pop | Pop Density | Partial/ Entire | In/Out |
|-----------|--|------------|--------|-------|-------------|--------------------|--------|
| CNVLSDXA | FORT RANDALL TELEPHONE COMPANY | CENTERVL | 121.07 | 1,499 | 12.4 | Entire | In |
| HRMSSDXA | FORT RANDALL TELEPHONE COMPANY | HERMOSA | 358.03 | 1,268 | 3.5 | | Out |
| LKANSDXA | FORT RANDALL TELEPHONE COMPANY | LAKE ANDES | 134.70 | 1,978 | 14.7 | | Out |
| TABRSDXA | FORT RANDALL TELEPHONE COMPANY | TABOR | 95.70 | 913 | 9.5 | Entire | In |
| TYNDSDXA | FORT RANDALL TELEPHONE COMPANY | TYNDALL | 72.20 | 1,581 | 21.9 | Entire | In |
| VBRGSDXA | FORT RANDALL TELEPHONE COMPANY | VIBORG | 51.59 | 1,193 | 23.1 | Entire | In |
| WGNRSDXA | FORT RANDALL TELEPHONE COMPANY | WAGNER | 308.59 | 3,923 | 12.7 | | Out |
| ASTRSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | ASTORIA | 24.80 | 245 | 9.9 | Entire | In |
| BKNGSDXB | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | BROOKINGS | 222.19 | 3,907 | 17.6 | Entire | In |
| BRDLSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | BRADLEY | 101.38 | 313 | 3.1 | Entire | In |
| BRNTSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | BRANDT | 182.38 | 821 | 4.5 | Entire | In |
| BRYNSD01 | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | BRYANT | 39.05 | 559 | 14.3 | Entire | In |
| CHESSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | CHESTER | 141.17 | 1,442 | 10.2 | Entire | In |
| CLLKSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | CLEAR LAKE | 51.50 | 1,538 | 29.9 | Entire | In |
| CLRKSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | CLARK | 608.04 | 3,137 | 5.2 | Entire | In |
| CSWSDSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | CASTLEWOOD | 116.02 | 1,344 | 11.6 | Entire | In |
| EKTNSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | EASTELKTON | 141.74 | 1,512 | 10.7 | Entire | In |
| ESTLSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | ESTELLINE | 116.93 | 1,389 | 11.9 | Entire | In |
| FLRNSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | FLORENCE | 179.69 | 952 | 5.3 | Entire | In |
| GARYSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | EAST GARY | 135.63 | 729 | 5.4 | Entire | In |
| GDWNSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | GOODWIN | 166.43 | 674 | 4.0 | Entire | In |
| HAYTSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | HAYTI | 222.56 | 1,439 | 6.5 | Entire | In |
| LKNRSD01 | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | LAKENORDEN | 70.61 | 862 | 12.2 | Entire | In |
| NUNDSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | NUNDA | 101.12 | 553 | 5.5 | Entire | In |
| SINASDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | SINAI | 79.75 | 601 | 7.5 | Entire | In |
| TOROSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | TORONTO | 90.50 | 561 | 6.2 | Entire | In |
| WABYSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | WAUBAY | 122.72 | 1,024 | 8.3 | | Out |
| WBSTSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | WEBSTER | 252.90 | 2,988 | 11.8 | | Out |
| WHTESDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | WHITE | 91.37 | 968 | 10.6 | Entire | In |
| WLLKSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | WILLOWLAKE | 366.79 | 1,265 | 3.5 | | Out |
| WNWOSDXA | INTERSTATE TELECOM. COOP., INC. - SOUTH DAKOTA | WENTWORTH | 29.96 | 350 | 11.7 | Entire | In |
| COTNSDXA | SIOUX VALLEY TELEPHONE CO. | COLTON | 105.52 | 1,562 | 14.8 | Entire | In |
| CRSCSDXA | SIOUX VALLEY TELEPHONE CO. | CORSICA | 141.36 | 1,261 | 8.9 | | Out |
| DLRPSDXA | SIOUX VALLEY TELEPHONE CO. | DELLRAPIDS | 106.85 | 4,253 | 39.8 | Entire | In |
| HMBLSDXA | SIOUX VALLEY TELEPHONE CO. | HUMBOLDT | 174.92 | 2,087 | 11.9 | Entire | In |
| LRWDIAXO | SIOUX VALLEY TELEPHONE CO. | NLARCHWOOD | 3.12 | 42 | 13.5 | Partial | In |
| PLTNSDXA | SIOUX VALLEY TELEPHONE CO. | PLANKINTON | 204.43 | 1,248 | 6.1 | | Out |

South Dakota
Population Density Analysis

| Wctr Code | Company Name | Locality | Area | Pop | Pop Density | Partial/ Entire | In/Out |
|-----------|----------------------------|-----------|-------|-------|-------------|--------------------|--------|
| VYSPSDXA | SIoux VALLEY TELEPHONE CO. | E VLY SPG | 23.32 | 1,088 | 46.6 | Entire | In |

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the PETITION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATE OF SOUTH DAKOTA was sent via U.S. Mail to the following persons on this 27th day of October 2004.

Colleen Sevold
Qwest Corporation
125b South Dakota Avenue
Sioux Falls, South Dakota 57104

Don Snyder
General Manager
Alliance Communications Cooperative, Inc.
P.O. Box 349
Garretson, South Dakota 57030

Pamela Harrington
General Manager
Roberts County Telephone Cooperative
Association
P.O. Box 196
New Effington, South Dakota 57255

Marjorie Nowick
Stockholm-Strandburg Telephone Company
P.O. Box 20
Garretson, South Dakota 57030

Richard Freemark
Local Manager
Union Telephone Company
P.O. Box 460
Hartford, South Dakota 57033-0460

Jery Heiberger
General Manager
Interstate Telecom Cooperative, Inc.
P.O. Box 920
Clear Lake, South Dakota 57226

Brent Norgaard
Prairiewave Community Telephone, Inc.
5100 S. Broadband Lane
Sioux Falls, South Dakota 57108

Dennis Law
General Manager
Sioux Valley Telephone Company
P.O. Box 98
Dell Rapids, South Dakota 57022

Robert J. Hoffman
Farmers Mutual Telephone Company
P.O. Box 368
Bellingham, Minnesota 56212

Michelle Farquhar, Counsel
Western Wireless Corporation
Hogan & Hartson
5551 13th Street, N.W.
Washington, D.C. 20004-1109

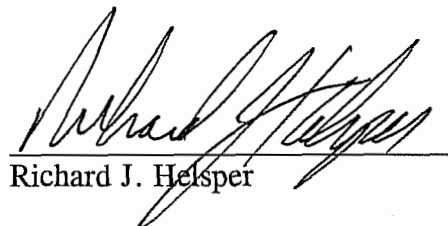
Wayne Akland
General Manager
Beresford Municipal Telephone Company
101 North 3rd Street
Beresford, South Dakota 57004

Tom Connors, Manager
Jefferson Telephone Company
d/b/a Long Lines
P.O. Box 128
Jefferson, South Dakota 57038-0128

John Lass
Vice President and General Manager
Citizens Telecommunications Company of
Minnesota, Inc.
2378 Wilshire Boulevard
Mound City, Minnesota 55354

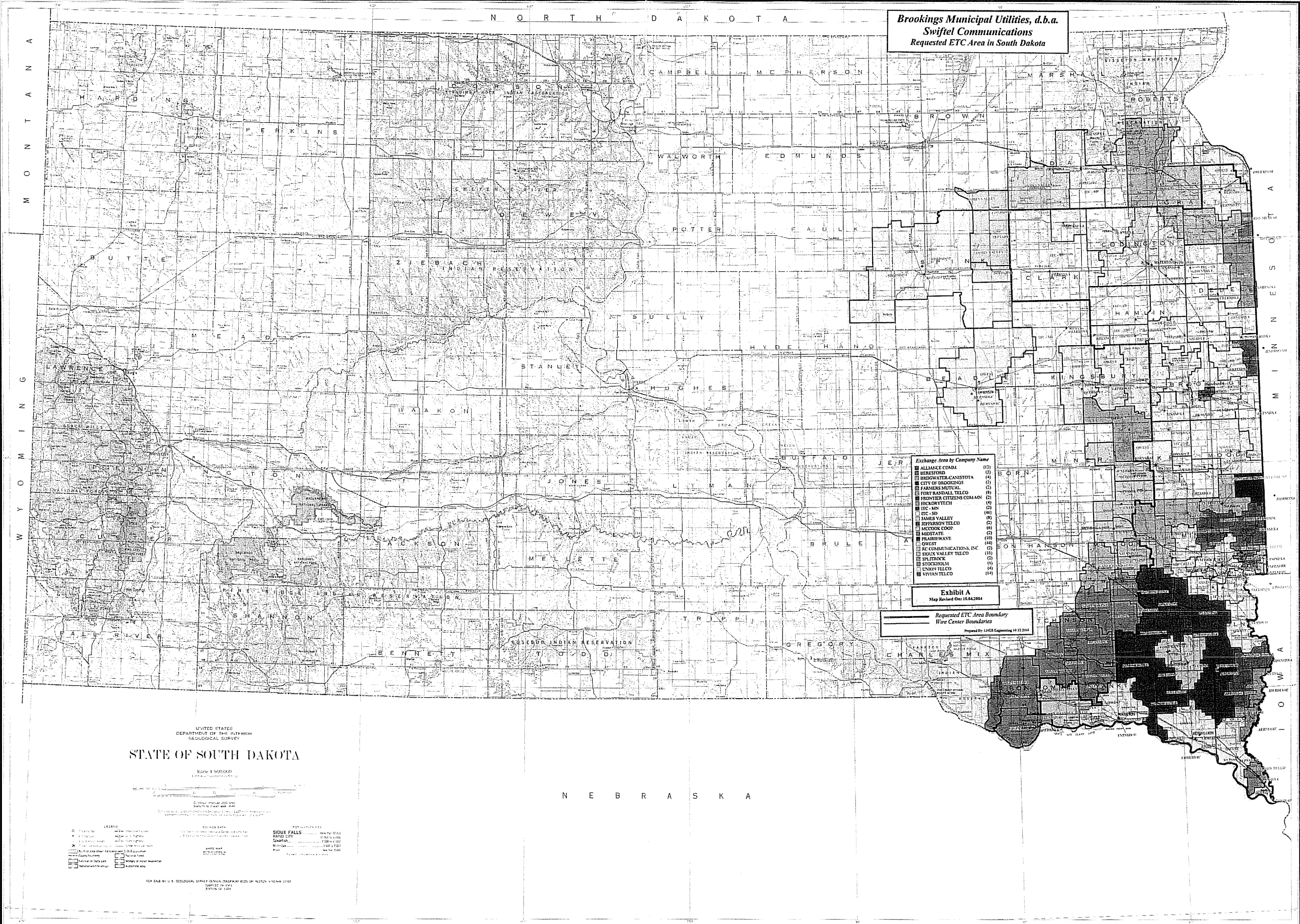
Bruce Hanson
General Manager
Fort Randall Telephone Company
909 Willmar Avenue SW
Willmar, MN 56201

David Christensen
Heartland Telecommunications Company of
Iowa d/b/a Hickory Tech Corporation
221 East Hickory Street
Mankato, MN 56002



Richard J. Helsper

Brookings Municipal Utilities, d.b.a. Swiftel Communications
Requested ETC Area in South Dakota



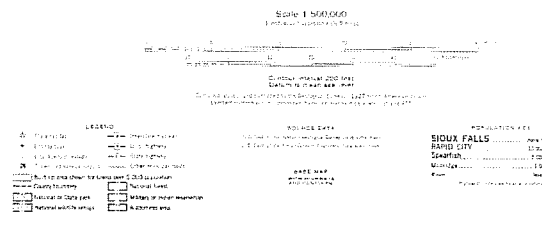
Exchange Area by Company Name

| | |
|-------------------------|------|
| ALLIANCE COMM | (12) |
| BERESFORD | (2) |
| BROOKINGS | (4) |
| CITY OF BROOKINGS | (2) |
| FARMERS MUTUAL | (2) |
| FORT RANDALL TELCO | (8) |
| FRONTIER CITIZENS COMM | (2) |
| HICKORY TELCO | (4) |
| ITC-SD | (46) |
| JAMES VALLEY | (8) |
| JEFFERSON TELCO | (2) |
| MCCOOK COOP | (8) |
| MIDSTATE | (2) |
| PLAIRIEWAY | (10) |
| QUEST | (44) |
| SEC COMMUNICATIONS, INC | (2) |
| SIOUX VALLEY TELCO | (10) |
| SPRINGRICK | (2) |
| STOCKHOLM | (8) |
| UNION TELCO | (4) |
| VIVIAN TELCO | (14) |

Exhibit A
Map Revised On 10-24-2004

Requested ETC Area Boundary
Wire Center Boundaries
Prepared By: L&C Engineering, 10/13/2004

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
STATE OF SOUTH DAKOTA



FOR SALE BY U.S. GEOLOGICAL SURVEY DIVISION, DALLAS FIELD OFFICE, 1220 N. MEAVER BLVD., DALLAS, TEXAS 75201