

THREE RIVER TELCO

225 N. 4th Street · P.O. Box 66 · Lynch, Nebraska 68746
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July 28, 2006

VIA OVERNIGHT MAIL

Patricia Van Gerpen, Executive Director
Public Utilities Commission
Capitol Building, 1st Floor
500 East Capitol Avenue
Pierre, South Dakota 57501

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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

RE: In the Matter of a Petition by Three River Telco for a Waiver of ARSD
§§ 20:10:32:52 - 20:10:32:54.

Dear Ms. Van Gerpen:

We enclose the original and ten copies of the above-described petition by Three River Telco. If you should have any questions concerning the filing, please contact the undersigned at the phone number above or via email at neil@threeriver.net.

Thank you for your consideration.

Sincerely,



Neil K. Classen
General Manager

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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

**BEFORE THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

In the Matter of a Petition by Three River Telco for)
a Waiver of ARSD §§ 20:10:32:52 - 20:10:32:54.) Docket No. _____

Pursuant to Rule § 20:10:32:56 approved and adopted by the South Dakota Public Utilities Commission on June 6, 2006, in Docket No. RM06-001, Three River Telco ("Three River") hereby seeks a waiver of the annual certification requirements for designated eligible telecommunications carriers as required by ARSD §§ 20:10:32:52, 20:10:32:53 and 20:10:32:54.

In support of its petition, Three River states:

1. Three River was granted eligible telecommunications carrier ("ETC") status in its South Dakota service area by the South Dakota Public Utilities Commission on December 11, 1997, in Docket TC97-167.
2. Three River's service area in South Dakota consists of the North Naper exchange. North Naper is the rural portion of an exchange where the larger portion of the exchange and the central office is located in Nebraska. Three River has no wire centers in South Dakota.
3. Three River's lines located in South Dakota comprise approximately .007% of the total access lines in its study area.
4. Three River's study area code is 371525. Three River's study area consists primarily of a geographic area contained within the state of Nebraska.
5. For companies such as Three River who have a very small portion of their overall study area in South Dakota, the requirement of certifying the use of universal service fund monies in accordance with the requirements of the newly-adopted ARSD §§ 20:10:32:52 - 20:10:32:54 is unduly burdensome and unnecessary for the Commission to certify that Three River is using federal high cost support for its intended purposes.

6. In its Report and Order released March 17, 2005, in CC Docket No. 96-45, FCC 05-46, the FCC encourages state commissions "... to avoid duplicative or inapplicable reporting requirements." The FCC further states that "[i]ndividual state commissions are uniquely qualified to determine what information is necessary to ensure that ETCs are complying with all applicable requirements, including state-specific ETC eligibility requirements." (FCC 05-46 at ¶ 71).


7. Because its study area is largely contained within the state of Nebraska and because it will comply with the Nebraska Public Service Commission requirements for ETC certification, Three River requests that it be allowed to file a copy of its Nebraska ETC certification with the South Dakota Public Utilities Commission; and that the South Dakota Public Utilities Commission accept such filing as sufficient to make the determination as to include Three River on the list of certified carriers it provides to the FCC and USAC on or before October 1 of each year.

Accordingly, Three River respectfully requests that it be granted a waiver of ARSD §§ 20:10:32:52, 20:10:32:53 and 20:10:32:54.

Dated this 28th day of July 2006.

Respectfully submitted,

THREE RIVER TELCO

By: 
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