

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

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In the Matter of the Application of James Valley Wireless, LLC for Designation as an Eligible Telecommunications Carrier.	* * *	DOCKET NO. _____ Petition of James Valley Wireless, LLC
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James Valley Wireless, LLC, a South Dakota limited liability company, ("JVW" or the "Company") by its attorney, James M Cremer of Bantz, Gosch & Cremer of Aberdeen, SD, pursuant to SDCL 49-31-78, ARSD 20:10:32:43 and 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 submits this Petition for Designation as an Eligible Telecommunications Carrier ("ETC") for its telecommunications operations. JVW requests that its 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, JVW states as follows:

I. Name and Address of Petitioner.

1. The name and contact information of Petitioner are:

James Valley Wireless, LLC
2211 8th Avenue NE
Aberdeen, SD 57401

Contact person:
James Graft, CEO
605-725-1000

II. Proposed Effective Date.

2. The proposed effective date of the designation of ETC status is immediately upon the date the Commission approves the petition.

III. Service Area.

3. JWV requests that it be designated as an ETC in the Aberdeen exchange of Qwest. A map of JWV's proposed ETC service area is attached hereto as **Exhibit 1**.

IV. The Petition Satisfies the Requirements for an ETC under 47 C.F.R. § 54.201.

4. Section 54.201(d) of the FCC's rules provide that carriers designated as ETCs shall, throughout the designated ETC service area, (a) 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 (b) advertise the availability of such services and the charges therefore using media of general distribution. The nine 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.
5. JWV is a full-service telecommunications carrier that offers all of these services. JWV therefore satisfies the requirements of 47 C.F.R. § 54.201.
6. Voice Grade Access. JWV provides voice grade access to the public switched network through interconnection arrangements with local telephone companies. JWV will 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.
7. Local Usage. JWV offers a variety of rate plans that provide local usage consistent with 47 C.F.R. § 54.101(a)(2). JWV will comply with any and all minimum local usage requirements adopted by the FCC.
8. Single Party Service. JWV provides single party service, as that term is defined in Section 54.101 of the FCC's rules.

9. Access to Emergency Services. JYW provides E911 access to emergency services throughout its service area.
10. Access to Operator Services. JYW provides customer access to operator services. Customers can reach operator services in the traditional manner by dialing "0".
11. Access to Interexchange Services. JYW has established connections with interexchange carriers. These arrangements will enable JYW to provide its customers access to interexchange services.
12. Access to Directory Assistance. JYW will establish an arrangement with a Directory Assistance provider. Subscribers to JYW's services will be able to dial "411" or "555-1212" to reach directory assistance from their mobile phones.
13. Toll Limitation. JYW will provide toll limitation by utilizing its toll blocking capabilities, enabling JYW to provide toll blocking service for Lifeline customers once JYW is designated an ETC.
14. Advertisement of Services. Pursuant to Section 54.201 of the FCC's rules, 47 C.F.R. § 54.201, JYW will advertise the availability of each of the supported services detailed above, throughout its service area, by media of general distribution. The methods of advertising may include newspaper, magazine, direct mailings, public exhibits and displays, bill inserts and telephone directory advertising. In addition, JYW 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.

V. JYW's Petition is in the Public Interest.

15. JYW's petition will serve the public interest by increasing consumer choice, improve service quality, enhance health and safety benefits, and enhance competition.

A. Increased Consumer Choice and Service Quality.

16. Designation of JYW will advance universal service, promote competition and facilitate the provision of advanced communications services to the residents of South Dakota.

17. With ETC designation, JVW will be able to offer Lifeline and Link-Up programs, to what is anticipated to be a growing number of eligible consumers due to the effects of the economic downturn.

B. Health and Safety Benefits.

18. Designation of JVW as an ETC will help address the health and safety risks associated with geographic isolation in rural communities.

C. Competitive Response.

19. 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 telecommunications consumers and encourage the rapid deployment of new telecommunications technologies." Competition in rural areas increases facilities and spurs development of advanced communications as carriers vie for a consumer's business.
20. 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.

Under the identical support rule, JVW will receive support at the present time and, therefore, granting this petition will not place additional burdens on the fund.

D. Service Quality.

21. JVW's two year capital investment plan demonstrates its commitment to providing a high level of service in the proposed service area. To justify the capital investment necessary for the build out, JVW will need to attract sufficient customers. It believes its level of service will distinguish it from the existing providers which will allow it to attract the customer base necessary to support this investment.

VI. Demonstration of Commitment to Provide Service.

22. JVW certifies that it will:
 - a. Provide service on a timely basis to requesting customers within its proposed designated service area where its network already provides coverage to the potential customer's premises; and

- b. If the potential customer is within JVW's proposed designated service area but outside its existing network, it will provide service within a reasonable period of time, if the service does not impose excessive or unreasonable cost, by:
 - 1. Modifying or replacing the requesting customers equipment;
 - 2. Extending facilities, such as constructing or expanding its wireless coverage;
 - 3. Adjusting network or customer facilities;
 - 4. Reselling services of another carrier's facilities to provide service; or
 - 5. Employing, leasing, or constructing additional network facilities.

VII. Two-Year Plan.

- 23. Attached hereto as **Exhibit 2** is JVW's two-year capital investment plan. In addition, JVW states as follows:
 - a. The service quality, coverage, and capacity will improve due to JVW's capital investment plan.
 - b. The estimated amount of investment for this project is set forth in **Exhibit 2**.
 - c. The geographic areas where improvements will be made are shown on the map attached hereto as **Exhibit 1**.
 - d. The estimated population that will be served is 35,000.

VIII. Ability to Remain Functional in Emergency Situations.

- 24. JVW's parent, James Valley Cooperative Telephone Company, employs a staff of more than 50 people, including an experienced engineering and technical support team that provides on-call emergency support 24 hours a day, seven days a week. JVW's response time to an outage report is normally less than one hour.
- 25. JVW's system will be reinforced by the presence of battery backups and diesel generators installed at its central office, which are capable of running indefinitely in the event of a major electrical outage.

26. The company's customer service representatives may be reached toll-free. Customer service representatives may be contacted through a number of convenient methods, including: (a) visiting the company's locally-owned retail/customer service locations in Aberdeen, South Dakota (b) a 1-800 toll-free number from any phone; or (c) by contacting our customer care center through the e-mail address provided on our web site.

IX. Ability to Satisfy Consumer Protection and Service Quality Standards.

27. JVW will commit to the CTIA Consumer Code for Wireless Service.

X. Offering of Comparable Local Usage Plan.

28. The rate plans JVW offers are compatible with the plans offered by the incumbent local exchange carrier, Qwest.

XI. Provisioning of Equal Access.

29. JVW certifies that it will be able to provide equal access to long-distance carriers if no other eligible communications carrier is providing equal access within the service area.

WHEREFORE, JVW requests that the Commission, (1) enter an Order designating JVW as an ETC for its requested ETC service area as shown on **Exhibit 1** hereto, and (2) certify to the FCC that JVW will use the support for its intended purpose.

Dated this 14th day of May 2009.

BANTZ, GOSCH & CREMER, L.L.C.

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