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May 16, 2013

ARTHUR BLOOSTON
1914 - 1999

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UTILITIES COMMISSION

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VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: CC Docket No. 02-33 - Notice of Permissive Detariffing of Wireline Broadband Internet Access Service by City of Brookings Municipal Telephone Department (Study Area Code 391650)

Dear Ms. Dortch:

Pursuant to the Commission's *Wireline Broadband Order*, the City of Brookings Municipal Telephone Department, by its attorney, hereby provides notice of its intent to discontinue offering wireline broadband Internet access service on a tariffed basis. Effective July 2, 2013, the City of Brookings Municipal Telephone Department plans to offer wireline broadband Internet access service on a permissive detariffed, common carriage basis.

If you have any questions concerning this matter, please contact me at the address and telephone number shown above or by email at mjs@bloostonlaw.com

Sincerely,

/s/ Mary J. Sisak

Mary J. Sisak

Notice of Permissive Detariffing of Wireline Broadband Internet Access Service
Effective July 2, 2013

CITY OF BROOKINGS MUNICIPAL TELEPHONE DEPARTMENT
(STUDY AREA 391650)

525 Western Avenue, P.O. Box 588
Brookings, SD 57006
Phone: 605-692-6325

CC Docket No. 02-33

May 16, 2013

City of Brookings Municipal Telephone Department ("Company") hereby provides notice that it intends to cease offering wireline broadband Internet access service on a tariffed basis under the City of Brookings Municipal Telephone Department Tariff F.C.C. No. 2. Effective July 2, 2013, the Company will begin offering wireline broadband Internet access service on a Title II, common carriage, permissive detariffed basis pursuant to paragraph 94 of the Federal Communications Commission's Wireline Broadband Order.¹ The geographic areas affected by the change are the Company's exchanges where DSL is technically feasible. Today, this service is provided to City of Brookings Municipal Telephone Department d/b/a Swiftel Internet (Swiftel Internet). Swiftel Internet purchases wireline broadband access service for use as a component in its broadband Internet service sold to residential and business customers. End user service provided will not be affected by discontinuance of the tariffed offering by the Company. As stated in the attached customer notice, the Company will continue to offer services to the existing wireline broadband Internet access service customers under current rates, terms and conditions until at least the end of the customer's present service arrangement. Effective July 2, 2013, the Company will make its wireline broadband Internet access service available on a permissive detariffed, common carriage basis through the posting of rates, terms and conditions available on the Company's website (www.swiftel.net) and in printed copy during normal business hours at the Company's business office located at 525 Western Avenue, P.O. Box 588, Brookings, SD 57006.

¹ See, *Appropriate Framework for Broadband Access to the Internet Over Wire line Facilities, Universal Service Obligations of Broadband Providers*, CC Docket No. 02-33, WC Docket No. 05-271, Report and Order and Notice of Proposed Rulemaking, 20 FCC Red 14853 (2005), FCC 05-150 (Rel. September 23, 2005), (Wireline Broadband Order).



525 Western Ave. • PO Box 588
Brookings, S.D. 57006
(605) 692.6325



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415 Fourth St. • PO Box 588
Brookings, S.D. 57006
(605) 692.6211

May 16, 2013

City of Brookings Municipal Telephone Department d/b/a Swiftel Internet
525 Western Avenue, P.O. Box 588
Brookings, SD 57006

Re: CC Docket No. 02-33 - Notice of Permissive Detariffing of Wireline Broadband Internet Access Service by City of Brookings Municipal Telephone Department (Study Area Code 391650)

Dear Valued Customer:

Our records indicate that City of Brookings Municipal Telephone Department d/b/a Swiftel Internet is currently purchasing wholesale broadband transport service from City of Brookings Municipal Telephone Department ("Company") under City of Brookings Municipal Telephone Department Tariff F.C.C. No. 2 ("Tariff"). This letter is to advise you that the Company will discontinue provisioning service on July 2, 2013, pursuant to the Tariff. Services will be made available to you on a common carrier, non-tariffed basis. The existing relevant rates, terms and conditions will not change until at least the end of your present service arrangement. The rates, terms and conditions will be available in printed copy during normal business hours at the Company's business office located at 525 Western Avenue, P.O. Box 588, Brookings, SD, 57006.

The actions described above are taken in accordance with the FCC's Report and Order (FCC 05-150) released September 23, 2005, in Docket No. 02-33. In this order the FCC determined that facilities-based wireline broadband Internet service providers could offer their services on a common carrier, permissively detariffed basis.

No action is necessary on your part. However, if you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Meyer', written over a horizontal line.

Steve Meyer
Executive Vice President / General Manager

CERTIFICATE OF SERVICE

I, Salvatore Taillefer, do certify that I have, on this 16th day of May, 2013:

1. Served by first class U.S. mail a copy of the foregoing Notice of Permissive Detariffing of Wireline Broadband Internet Access Service on the following:

Governor Dennis Daugaard
Office of the Governor
500 East Capitol Avenue
Pierre, SD 57501

Secretary of Defense
Attn: Special Assistant for Telecommunications
PENTAGON
Washington, DC 20301

South Dakota Public Utilities Commission
Attn: Telecommunications Division
500 East Capitol Avenue
Pierre, SD 57501

2. Served via electronic mail and first class U. S. mail a paper copy of the foregoing Notice of Permissive Detariffing of Wireline Broadband Internet Access Service on the following:

City of Brookings Municipal Telephone Department d/b/a Swiftel Internet
525 Western Avenue, P.O. Box 588
Brookings, SD 57006

/s/ Salvatore Taillefer, Jr.
Salvatore Taillefer, Jr.
Blooston, Mordkofsky, Dickens, Duffy &
Prendergast, LLP
2120 L Street, NW, Suite 300
Washington, DC 20037
Phone: (202) 659-0830