

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

In the Matter of the Petition for a)	
Declaratory Ruling Determining)	Petition Filing Number ____
Responsibility for Rural Carrier)	
Interconnection to the)	Petition for Declaratory Ruling
Next Generation 9-1-1 System)	

Pursuant to ARSD 20:10:01:34, the South Dakota 911 Coordination Board (hereinafter “the Board”), which is administratively attached to the Department of Public Safety, petitions the Commission to issue a declaratory ruling determining who has responsibility for 911 traffic transport between rural carriers’ service areas and the Next Generation 911 network’s centralized points of interconnection.

In support of its petition, the Board submits the following information required by ARSD 20:10:01:34:

1. The state statute in question

The South Dakota statute applicable to this Petition is SDCL 49-31-79:

Pursuant to 47 U.S.C. § 251(f)(1) as of January 1, 1998, the obligations of an incumbent local exchange carrier, which include the duty to negotiate and provide interconnection, unbundled network elements, resale, notice of changes and collocation, do not apply to a rural telephone company unless the company has received a bona fide request for interconnection, services, or network elements and the commission determines that the rural telephone company shall fulfill the request. The commission may only determine that the rural telephone company shall fulfill the request if, after notice and hearing pursuant to chapter 1-26, the commission finds that the request is not unduly economically burdensome the request is technically feasible, and the request is consistent with the universal service principles and provisions set forth in 47 U.S.C. § 254 as of January 1, 1998. The commission shall make such determination within one hundred twenty days after receiving notice of the request. The person or entity making the request shall have the burden of proof as to whether each of the standards for reviewing the request has been met. Nothing in this section prevents a rural telephone company from voluntarily agreeing to provide any of the services, facilities, or access referenced by this section.

2. The facts and circumstances which give rise to the issue to be answered by the Commission

In 2012, the South Dakota Legislature enacted legislation to provide funding to upgrade South Dakota's 911 system to Next Generation 911 (hereinafter "NG911"). The Board, is spearheading the effort to implement NG911 throughout South Dakota. Effective December 18, 2014, NextGen Communications, Inc. (hereinafter "NextGen") was contracted to design and maintain an NG911 system for South Dakota. On December 23, 2015, in file TC15-062, the Commission granted NextGen a Certificate of Authority pursuant to a Joint Stipulation between NextGen and the South Dakota Telecommunications Association (hereinafter "SDTA"). Under Section 7 of that Stipulation, the issue of who had responsibility for transport of 911 traffic to NextGen's centralized points of interconnection remained undetermined.

Interconnection requests were originally sent to South Dakota carriers on December 22, 2015. Thereafter, Board staff was contacted by SDTA regarding the issue of responsibility for call transport from rural carriers' areas of service to NextGen's points of interconnection. Ongoing discussions among Board staff, NextGen, and SDTA have failed to produce a resolution to this issue. Revised requests for interconnection were sent on August 10, 2017. At this time, SDTA's members have indicated that they will not connect to the NG911 system at the centralized points until this issue is resolved.

The issue of transport from rural carriers' service areas to the centralized points of interconnection is halting progress in connecting rural carriers to the NG911 System.

3. The precise issue to be answered by the Commission's declaratory ruling

The Board requests that the Commission rule as to whether it is NextGen or the rural carriers comprising SDTA that has the responsibility to transport 911 traffic between the rural carriers' service areas and NextGen's centralized points of interconnection.

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