

BEFORE THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)
RC TECHNOLOGIES FOR AN AMENDED)
DESIGNATION AS AN ELIGIBLE) TC21- _____
TELECOMMUNICATIONS CARRIER IN THE)
MILBANK EXCHANGE)

**APPLICATION FOR AMENDED ELIGIBLE
TELECOMMUNICATIONS CARRIER DESIGNATION**

RC Technologies, a local exchange carrier headquartered in New Effington, South Dakota, by and through its undersigned counsel, hereby submits this petition to amend its designation as an eligible telecommunications carrier (ETC) in the Milbank exchange. This amended designation is sought (a) to update the name of the designated carrier to RC Technologies, and (b) to specifically include census blocks awarded to RC Technologies in the Federal Communications Commission's (FCC) recent Rural Digital Opportunity Fund (RDOF) Phase I Action, as listed in Exhibit A, to RC Technologies' current ETC designation in the Milbank exchange. All of the census blocks awarded to RC Technologies are within the service area of CenturyLink (CTL), which is a non-rural carrier. RC Technologies requests that all of its operations in the Milbank exchange 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, RC Technologies submits the following.

Background

1. RC Communications dba RC Services was granted ETC designation in the Milbank exchange in 2006. A copy of the Order of Designation is attached hereto as Exhibit B.
2. In 2014, RC Communications, including its dba RC Services, merged into the parent company, Roberts County Telephone Cooperative Association. In Docket TC14-083, the

companies filed a Joint Application of an Amendment to Certificate of Authority. The Amendment transferred all Certificates of Authority held by its subsidiaries to the parent company. The merger also included the name change to RC Technologies. The application was granted by this Commission (*see* attached Exhibit C).

3. Since being granted ETC designation, all of the RC Technologies family of companies have filed for and received annual ETC certification by the Commission each year, through and including 2020.

RDOF Phase I Auction

4. RC Technologies has been designated as a recipient of RDOF Phase I Auction support awarded by the FCC, as stated in the Public Notice released on December 7, 2020.¹ The FCC's rules require RC Technologies to obtain ETC designation in all of the support-eligible census blocks (RDOF Census Blocks) in which RC Technologies was the successful bidder in the RDOF Phase 1 Auction within one hundred eighty (180) days of the release of the Public Notice:

Within 180 days after the release of the Auction 904 closing public notice, a long-form applicant is required to submit appropriate documentation of its high-cost ETC designation in all the areas for which it will receive support. Appropriate documentation should include the original designation order, any relevant modifications . . . A long-form applicant is also required to provide documentation showing that the designated areas (e.g., census blocks, wire centers, etc.) cover the relevant winning bid areas so that it is clear that the long-form applicant has high-cost ETC status in each winning bid area.²

As a result, RC Technologies requests expeditious action by the Commission so that it may meet the 180-day requirement.

¹ *Rural Digital Opportunity Fund Phase I Auction Closes; Winning Bidders Announced*, AU Docket No. 20-34; WC Docket No. 19-126; WC Docket No. 10-90, DA 20-1422, released December 7, 2020.

² *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020 Notice and Filing Requirements and Other Procedures for Auction 904*, AU Docket No. 20-34; WC Docket No. 19-126; WC Docket 10-90 released June 11, 2020 at ¶316.

5. The FCC has found that each of the areas in which RC Technologies was named a winning bidder for RDOF support is not served by an incumbent price cap carrier or an unsubsidized competitor that offers both voice and broadband service at speeds of 25/3 Mbps or higher (among other criteria).³

6. The FCC has further found that RC Technologies is financially and technically able to offer the services it seeks to provide in the RDOF Census Blocks by granting its application to participate in the RDOF Phase I Auction.⁴

The FCC has also waived RC Technologies' requirement to submit a five-year improvement plan and a certification committing to implement consumer protection and customer service standards.⁵

Authority for Designation of an ETC

7. Title 47 U.S.C 214(e)(2) of the Act provides that a state commission shall upon request designate a common carrier as an ETC for a service area designated by the state commission. Title 47 U.S.C. 214(e)(1) provides that an ETC shall be eligible to receive universal service support in accordance with Section 254 of the Act and shall, in the service area for which the designation is received, offer the services that are supported by federal universal service support mechanisms under Section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services, and shall advertise the availability of such services and their costs using media of general distribution. The FCC has promulgated a list of the services or functionalities that shall be supported by federal universal service support mechanisms at 47

³ *Wireline Competition Bureau Releases Preliminary List and Map of Eligible Areas for the Rural Digital Opportunity Fund Phase I Auction*, AU Docket No. 20-34; WC Docket No. 19-126; WC Docket No. 10-90, DA 20-275, released March 17, 2020.

⁴ *386 Applicants Qualified to Bid in the Rural Digital Opportunity Phase I Auction (Auction 904)*, AU Docket No. 20-34; WC Docket No. 19-126; WC Docket No. 10-90, DA 20-1187, released October 13, 2020.

⁵ Auction Closing Public Notice, *supra* fn. 1 at footnote 71.

C.F.R. 54.101. Further, this Commission has adopted rules for ETC designation. RC Technologies met the requirements of the FCC and Commission rules in Docket TC06-052 (*see* Exhibit B). For purposes of its request for an amended ETC designation, RC Technologies provides the following supplemental information.

8. Name and Address of Applicant. RC Technologies is a South Dakota cooperative corporation. The name and address of Applicant is:

RC Technologies
205 Main Street, PO Box 197
New Effington, SD 57255

Applicant contact person is:

Scott Bostrom, General Manager
Tel. No. (605) 637-5211
Email: sbostrom@rctechteam.com

9. Proposed Effective Date. RC Technologies is currently designated as an ETC in the Milbank exchange. The proposed effective date of the amended designation of ETC status is immediately upon the date the Commission approves this Application.

10. Service Area. RC Technologies is designated as an ETC in the Milbank exchange; this request for an amended ETC designation specifically includes in the designation the RDOF Census Blocks listed in Exhibit A.

Required Services

11. Pursuant to 47 U.S.C. 214 (e)(1)(A) and 47 C.F.R. 54.201(d)(1), RC Technologies currently offers throughout the service area for which ETC designation has been granted, and will in the additional areas set forth in Exhibit A, offer the services that are supported by federal universal service support mechanisms defined in 47 C.F.R. 54.101(a). Section 54.101 of the FCC's rules provides that rural carriers designated as ETCs shall, throughout the 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 (2) advertise the availability of such services and the charges therefore using media of general distribution. The services designated for support by the federal USF are voice telephony services and broadband service. In order to be eligible for support:

- (1) Eligible voice telephony services must provide voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying low-income consumers.
- (2) Eligible broadband Internet access services must provide the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service.

As demonstrated in Docket TC06-052, RC Technologies is a full-service telecommunications carrier that offers all of these services and therefore satisfies the requirements of 47 C.F.R. § 54.101.

RC Technologies Has Met All Other Requirements for ETC Designation

12. **Facilities Utilized.** RC Technologies uses, and will use in the areas depicted in Exhibit A, primarily its own facilities, but at times will resell another carrier's services to offer the services that are supported by Federal universal service support mechanisms. RC Technologies will install its own state of the art fiber-based facilities in the Exhibit A areas to provide any requested services.

13. **Services Provided Throughout Designated Service Area.** RC Technologies does and will offer the services that are supported by federal universal service support mechanisms throughout the service area for which designation is requested, including the areas set forth in

Exhibit A. RC Technologies commits to providing service throughout its designated service area to all customers making a reasonable request for service.

14. **Advertisement of Services.** RC Technologies advertises and will advertise the availability of its services that are supported by federal universal service support mechanisms and the charges therefore using media of general distribution, which may include, among other means, newspaper and bill inserts.

15. **Lifeline Service.** RC Technologies will continue to make Lifeline service available to qualifying low-income consumers and publicize the availability of Lifeline service in a manner reasonably designated to reach those likely to qualify for the service.

16. **Emergency Services.** RC Technologies has demonstrated its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.

17. **Consumer Protection and Service Quality Standards.** RC Technologies has demonstrated that it will satisfy applicable consumer protection and service quality standards. RC Technologies commits to continue to comply with all applicable Commission and FCC rules concerning consumer protection and service quality throughout its ETC designated service area, including areas in Exhibit A.

18. **Financial/Technical Capability to Provide Lifeline.** RC Technologies has demonstrated that it is financially and technically capable of providing Lifeline service in compliance with the Commission's rules. In addition to the RDOF Phase I support being made

available to RC Technologies, it will also rely on the resources of the entire family of RC Technologies' companies, who have the financial and technical capability to provide Lifeline.

19. **Lifeline Service Plans to Eligible Consumers.** RC Technologies will continue to provide Lifeline local voice grade access to eligible customers, which includes unlimited local usage at no additional charge to requesting customers (long distance and international calling is an additional charge). Access to 911 and enhanced 911, to the extent local governments have implemented it, is provided. RC Technologies also provides toll limitation service and One Lifeline service (voice or broadband) to qualifying households. RC Technologies follows and will follow all Lifeline program rules and guidelines, including requiring all customers to maintain their Lifeline eligibility through the Lifeline National Verifier as defined in 47 C.F.R. 54.404, 54.404, and 54.409, throughout its designated service area. RC Technologies will provide Lifeline broadband Internet access service with the capability to transmit data to and receive data by wire from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of service.

20. **Two-Year Plan.** RC Technologies' request is for an amended ETC designation clarifying that RC Technologies' current ETC designation in the Milbank exchange includes the RDOF Census Blocks listed in Exhibit A, which were awarded by the FCC. RC Technologies respectfully requests the Commission to waive the requirement found in A.R.S.D. 20:10:32:43.02 to submit a two year-plan. RC Technologies will be required to meet all buildout and public interest reporting requirements for the RDOF support found in 47 C.F.R. 54.316. Further, all buildout progress will be included in RC Technologies' annual ETC recertification requests, which will keep the Commission informed of RC Technologies' progress in meeting buildout and service goals.

21. **RC Technologies' Application is in the Public Interest.** RC Technologies' application will continue to serve the public interest by increasing consumer choice, improve service quality, enhance health and safety benefits, and enhance competition.

22. **Service and Performance Quality Requirements.** RC Technologies certifies that it will continue to comply with the service requirements applicable to the support it receives, including the requirements of RDOF Phase I support, and will provide additional information in this regard as part of its FCC Form 683 application, including a certification from a professional engineer that the fiber optic network is capable of delivering voice and broadband service that meets the requisite performance requirements and sufficient capacity to meet customer demand at or above the prescribed levels during peak usage periods.⁶

23. **Annual Reporting Requirements.** RC Technologies will continue to comply with all annual reporting requirements for designated ETCs as applicable.

24. **Denial of Federal Benefits.** RC Technologies hereby certifies that it is not subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, as implemented in section 1.2002 of the Commission's rules.

Conclusion

WHEREFORE, RC Technologies requests that the Commission (1) amend the name of its ETC designation in the Milbank exchange to RC Technologies; (2) specifically include in the RC Technologies' current ETC designation the RDOF Census Blocks listed in Exhibit A; and (3) certify to the FCC that RC Technologies will use the support for its intended purpose

⁶ See 47 C.F.R. 54.309.

Dated this 10th day of February, 2021.

RITER ROGERS, LLP



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