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South Dakota

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Via electronic filing

Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: WC Docket Nos. 25-311 and 25-208, *In the Matter of Reforming Legacy Rules for an All-IP Future Accelerating Network Modernization*

Dear Ms. Dortch:

The South Dakota Public Utilities Commission (SD PUC) respectfully submits these initial comments in response to the Notice of Proposed Rulemaking (NPRM) released by the Federal Communications Commission (FCC) on February 19, 2026, in the above-captioned dockets.

The SD PUC is statutorily charged with the regulation of intrastate telecommunications services in South Dakota. We appreciate the FCC's time and attention to this matter and look forward to reading and considering the initial comments filed in these dockets. However, at this time, we wish to express our concern as to the question of federal preemption and, in particular, the basis upon which such preemption would be predicated.

Specifically, the NPRM appears to rely on policy goals as the basis for exercising preemption. Preemption is an extreme measure that should be based on consistent, concrete Congressional direction. Policy goals, being subjective and amorphous in nature, are not an appropriate legal basis for preemption. Expanding the use of preemption by tying it to policy

goals would not only undermine state authority and federalism but would also lead to significant regulatory uncertainty.

The SD PUC respectfully urges restraint in the use of preemption and supports a framework of state and federal cooperation.

Respectfully submitted,



Chris Nelson
Chairman



Kristie Fiegen
Commissioner



Gary Hanson
Commissioner