BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING BY RT COMMUNICATIONS, INC. FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER	)))))	FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER AND NOTICE OF ENTRY OF ORDER TC97-199

On December 23, 1997, the Public Utilities Commission (Commission) received a request for designation as an eligible telecommunications carrier (ETC) from RT Communications, Inc. (RT Communications). RT Communications requested designation as an eligible telecommunications carrier within the local exchange area that constitutes its service area in South Dakota.

The Commission electronically transmitted notice of the filing and the intervention deadline to interested individuals and entities. No person or entity filed to intervene. By order dated March 23, 1998, the Commission set the hearing for this matter for 1:30 p.m., on March 26, 1998, in Room 412, State Capitol, Pierre, South Dakota.

The hearing was held as scheduled. The Commission took the matter under advisement and asked for additional information. At its May 28, 1998, meeting, the Commission granted ETC designation to RT Communications and designated its study area in South Dakota as its service area.

Based on the evidence of record, the Commission enters the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. On December 23, 1997, the Commission received a request for designation as an ETC from RT Communications. RT Communications requested designation as an ETC within the local exchange areas that constitute its service area in South Dakota. RT Communications serves the following exchange in South Dakota: East Newcastle.

2. Pursuant to 47 U.S.C. § 214(e)(2), the Commission is required to designate a common carrier that meets the requirements of section 214(e)(1) as an ETC for a service area designated by the Commission.

3. Pursuant to 47 U.S.C. § 214(e)(1), a common carrier that is designated as an ETC is eligible to receive universal service support and shall, throughout its service area, offer the services that are supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services. The carrier must also advertise the availability of such services and the rates for the services using media of general distribution.

4. The Federal Communications Commission (FCC) has designated the following services or functionalities as those supported by federal universal service support mechanisms: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling or its functional equal; (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. 47 C.F.R. § 54.101(a).

5. As part of its obligations as an ETC, an ETC is required to make available Lifeline and Link Up services to qualifying low-income consumers. 47 C.F.R. § 54.405; 47 C.F.R. § 54.411.

6. RT Communications offers voice grade access to the public switched network to all consumers throughout its service area.

7. RT Communications offers local exchange service including an amount of local usage free of per minute charges to all consumers throughout its service area.

8. RT Communications offers dual tone multi-frequency signaling to all consumers throughout its service area.

9. RT Communications offers single party service to all consumers throughout its service area in South Dakota.

10. RT Communications offers access to emergency services to all consumers throughout its service area where the locality has implemented it.

11. RT Communications offers access to operator services to all consumers throughout its service area.

12. RT Communications offers access to interexchange services to all consumers throughout its service area.

13. RT Communications offers access to directory assistance to all consumers throughout its service area.

14. One of the services required to be provided by an ETC to qualifying low-income consumers is toll limitation. 47 C.F.R. § 54.101(a)(9). Toll limitation consists of either toll blocking or toll control for carriers that are incapable of providing both services. 47 C.F.R. § 54.400(d). RT Communications offers toll blocking to all consumers throughout its service area but cannot currently offer toll control.

15. With respect to the obligation to advertise the availability of services supported by the federal universal service support mechanism and the charges for those services using media of general distribution, RT Communications stated that it will advertise the availability of its local exchange services and the charges for those services in media of general distribution throughout its service area.

16. RT Communications asked to be allowed to offer the Lifeline and Link Up services in accordance with the Wyoming programs. The Wyoming program matches the federal credits but has more restrictive eligibility requirements. The Commission has authorized the Lifeline and Link Up service discounts to be given in accordance with 47 C.F.R. §§ 54.400 to 54.417, inclusive.

17. RT Communications did not request, at this time, that the Commission obtain a waiver from the FCC to allow RT Communications to receive ETC status retroactive to January 1, 1998.

18. The Commission finds that RT Communications currently provides and will continue to provide the following services or functionalities throughout its service area: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling; (4) single-party service; (5) access to emergency services; (6) access to operator services; (7) access to interexchange service; (8) access to directory assistance; and (9) toll blocking for qualifying low-income consumers.

19. The Commission finds that RT Communications must provide Lifeline and Link Up programs to qualifying customers throughout its service area in South Dakota in accordance with 47 C.F.R. §§ 54.400 to 54.417, inclusive, and any Commission imposed requirements.

20. The Commission finds that RT Communications shall advertise the availability of the services supported by the federal universal service support mechanism and the charges therefor throughout its service area using media of general distribution once each year. The Commission further finds that if the rate for any of the services supported by the federal universal service support mechanism changes, the new rate must be advertised using media of general distribution.

21. Pursuant to 47 U.S.C. § 214(e)(5), the Commission designates RT Communications' current study area in South Dakota as its service area.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-31, and 47 U.S.C. § 214.

2. Pursuant to 47 U.S.C. § 214(e)(2), the Commission is required to designate a common carrier that meets the requirements of section 214(e)(1) as an ETC for a service area designated by the Commission.

3. Pursuant to 47 U.S.C. § 214(e)(1), a common carrier that is designated as an ETC is eligible to receive universal service support and shall, throughout its service area, offer the services that are supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services. The carrier must also advertise the availability of such services and the rates for the services using media of general distribution.

4. The FCC has designated the following services or functionalities as those supported by federal universal service support mechanisms: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling or its functional equal; (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. 47 C.F.R. § 54.101(a).

5. As part of its obligations as an ETC, an ETC is required to make available Lifeline and Link Up services to qualifying low-income consumers. 47 C.F.R. § 54.405; 47 C.F.R. § 54.411.

6. RT Communications has met the requirements of 47 C.F.R. § 54.101(a).

7. RT Communications shall provide Lifeline and Link Up programs to qualifying customers throughout its service area consistent with 47 C.F.R. §§ 54.400 to 54.417, inclusive, and any Commission imposed requirements.

8. RT Communications shall advertise the availability of the services supported by the federal universal service support mechanism and the charges therefor using media of general distribution once each year. If the rate for any of the services supported by the federal universal service support mechanism changes, the new rate shall be advertised using media of general distribution.

9. Pursuant to 47 U.S.C. § 214(e)(5), the Commission designates RT Communications' current study area in South Dakota as its service area.

10. The Commission designates RT Communications as an eligible telecommunications carrier for its service area in South Dakota.

It is therefore

ORDERED, that RT Communications' current study area in South Dakota is designated as its service area; and it is

FURTHER ORDERED, that RT Communications shall follow the advertising requirements as listed above; and it is

FURTHER ORDERED, that RT Communications is designated as an eligible telecommunications carrier for its service area in South Dakota.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that this Order was duly entered on the 19th day of June, 1998. Pursuant to SDCL 1-26-32, this Order will take effect 10 days after the date of receipt or failure to accept delivery of the decision by the parties.

Dated at Pierre, South Dakota, this 19th day of June, 1998.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: Delaine Koebo

Date: 6/19/98

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg

JAMES A. BURG, Chairman

Pam Nelson

PAM NELSON, Commissioner

Laska Schoenfelder

LASKA SCHOENFELDER, Commissioner