

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE PETITION OF CELCO  
PARTNERSHIPS AND ITS SUBSIDIARIES AND  
AFFILIATES TO AMEND AND CONSOLIDATE  
ELIGIBLE TELECOMMUNICATIONS CARRIER  
DESIGNATIONS IN THE STATE OF SOUTH  
DAKOTA AND TO PARTIALLY RELINQUISH  
ETC DESIGNATIONS**

**ORDER DENYING MOTION  
TO STRIKE; ORDER  
GRANTING MOTIONS TO  
COMPEL IN PART**

**TC10-090**

On September 3, 2010, the Public Utilities Commission (Commission) received a petition from Cellco Partnership d/b/a Verizon Wireless, and its subsidiaries and affiliates offering commercial mobile radio services in South Dakota (Verizon Wireless), to amend and consolidate the eligible telecommunications carrier (ETC) designations currently held separately in the name of WWC License, LLC (WWC) and RCC Minnesota, Inc. (RCC) in the state of South Dakota to reflect Cellco Partnership and its affiliated legal entities as the designated entity. Verizon Wireless requests that amendment and consolidation of the ETC designations be deemed effective immediately. Verizon Wireless further requests that the partial relinquishment of WWC's ETC status in the Golden West Telecommunications Cooperative, Inc. (Golden West) Study Area Code 391659 be deemed effective immediately. On September 9, 2010, the Commission electronically transmitted notice of the filing to interested individuals and entities. The notice stated that any person wishing to intervene had until September 24, 2010, to do so. On September 24, 2010, the Commission received a Petition to Intervene from South Dakota Telecommunications Association (SDTA) and Golden West Telecommunications Cooperative, Inc. (Golden West). On October 12, 2010, the Commission granted intervention to SDTA and Golden West. On October 14, 2010, James Valley Wireless filed a Petition to Intervene. On October 26, 2010, the Commission granted intervention to James Valley Wireless. On November 5, 2010, Verizon Wireless filed a Motion Requesting Confidentiality Agreement. The motion was granted and a protective order was issued by the Commission. On November 12, 2010, Verizon Wireless filed a Motion for Commission Approval of Partial Relinquishment of ETC Designation. On November 16, 2010, the Commission approved the request for partial relinquishment of WWC's ETC designation. On April 12, 2011, Verizon Wireless filed a Motion to Strike Testimony of Witness Peter Bluhm. On April 25, 2011, Verizon Wireless filed Motions to Compel Discovery Responses from Golden West, James Valley, and SDTA. On April 28, 2011, Verizon Wireless filed Supplements to Motions to Compel Discovery Responses from Golden West and SDTA. At its May 3, 2011, meeting, the Commission deferred action on the motions at the request of James Valley Wireless and Verizon Wireless.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31 specifically 49-31-78, ARSD 20:10:32:48 through 20:10:32:51, 47 U.S.C. § 214(e), and 47 C.F.R §§ 54.1 through 54.207.

At its regularly scheduled May 17, 2011, the Commission considered the Motion to Strike and the Motions to Compel. The Commission listened to the arguments of the parties regarding the motions. The Commission unanimously voted to deny the Motion to Strike Testimony of Witness Peter Bluhm. The Commission then addressed the Motion to Compel Discovery Responses for James Valley Wireless. Verizon Wireless requested responses be compelled for Interrogatories No.

6, No. 7, and No. 13, and Production of Documents No. 4. Interrogatory No. 6 requested information and documents regarding requests for service in accordance with the requirements of section 54.202. The Commission unanimously voted to compel James Valley Wireless to provide the information and documents as requested in Interrogatory No. 6. Interrogatory No. 7, along with Request for Production of Documents No. 1, requested the identification and production of James Valley Wireless's ETC-related compliance filings, annual reports, periodic progress reports, tariffs and other documents submitted to the Commission since January 1, 2009. Verizon Wireless agreed that this request could be limited to the confidential portion of James Valley Wireless's ETC certification filings. The Commission unanimously voted to compel James Valley Wireless to identify and produce the confidential portions of its ETC certification filings for 2009 and 2010. Interrogatory 13 requested estimates of USF support for 2011 through 2013. The Commission voted to compel James Valley Wireless to provide the information requested in Interrogatory No. 13. (Commissioner Hanson, dissenting). Production of Documents No. 4 requested copies of subscriber line reports submitted to USAC by James Valley Wireless since January 1, 2009. The Commission voted to require James Valley Wireless to produce the subscriber line reports as requested in Production of Documents No. 4. (Chairman Kolbeck, dissenting.)

The Commission next considered the motions to compel filed against Golden West and SDTA. Verizon Wireless requested responses be compelled for Interrogatories No. 7 and No. 12 for both Golden West and SDTA, and for Interrogatory No. 8 for SDTA. Interrogatory No. 7, along with Request for Production of Documents No. 1, requested the identification and production of Golden West's and each SDTA member's ETC-related compliance filings, annual reports, periodic progress reports, tariffs and other documents submitted to the Commission since January 1, 2009. The Commission unanimously voted to deny the motion to compel regarding Golden West and the SDTA members. Interrogatory No. 12 requested the identification of all of the related entities of Golden West and each SDTA member and an organizational chart. Verizon Wireless agreed to limit the request for SDTA members to five companies. Those companies are James Valley Cooperative Telephone Company, Interstate Telecommunications Cooperative, Inc., Knology Community Telephone, Inc., Venture Communications Cooperative, Inc., and Santel Communications Cooperative. The Commission unanimously voted to compel Golden West and the specified SDTA members to provide the information as requested in Interrogatory 12 with the information limited to affiliates engaged in ETC related activities and that organizational charts be provided only to the extent such charts exist. Interrogatory No. 8 requested that each SDTA member identify their service offerings and marketing collateral which describe their telecommunications service offerings. The Commission unanimously voted to require each SDTA member company to provide the URL for each company.

It is therefore

ORDERED, that the Motion to Strike is denied; and it is

FURTHER ORDERED, that the Motions to Compel are granted in part and denied in part as set forth above.

Dated at Pierre, South Dakota, this 9th day of June, 2011.

**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, electronically..

By: \_\_\_\_\_

*Sam Adahl*

Date: \_\_\_\_\_

*6-9-11*

(OFFICIAL SEAL)

**BY ORDER OF THE COMMISSION:**

*Steve Kolbeck*

STEVE KOLBECK, Chairman

*Gary Hanson*

GARY HANSON, Commissioner

*Chris Nelson*

CHRIS NESLSON, Commissioner