

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

**IN THE MATTER OF CLARIFICATION)
OF THE COMMISSION'S ETC)
CERTIFICATION PROCESS)
)
)
)
)
)
)
)
)**

**ORDER WAIVING AND
CLARIFYING ELIGIBLE
TELECOMMUNICATIONS
CARRIERS CERTIFICATION
REQUIREMENTS**

AA16-002

The Public Utilities Commission (Commission) annually provides certification to the Federal Communications Commission (FCC) that all federal high-cost support provided to eligible telecommunications carriers (ETCs) was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. In its *USF/ICC Transformation Order*, the FCC set forth new annual reporting requirements for recipients of federal high-cost support.¹ Some of these requirements are identical or similar to the Commission's ETC annual certification requirements. All recipients of high-cost support must comply with the FCC's annual reporting requirements by July 1 of each year. The Commission's ETC certification requirements are required to be filed by June 1 of each year.

Previously, in Docket TC13-027, the Commission waived certain ETC requirements, including its June 1, 2013, deadline, in light of the FCC's new annual reporting requirements. The Commission voted to waive the June 1 deadline as set forth in ARSD 20:10:32:52 and allow ETCs to file their annual certification petitions on or before July 1. With respect to ARSD 20:10:32:54(1), the Commission found that if an ETC is filing a five-year plan with the FCC and the Commission, that ETC is not required to file a two-year plan pursuant to the Commission's rule. All other ETCs must continue to file their two-year plans. With respect to ARSD 20:10:32:54(2), the Commission found that all ETCs are still required to file progress reports on their previously filed service quality improvement plans; however, the minor differences in this provision as compared to the FCC's similar progress report provision are waived. With respect to ARSD 20:10:32:54(4) and (5), the Commission waived the portions of these subdivisions that are not consistent with the federal requirements. With respect to ARSD 20:10:32:54(8) and (9), the Commission waived these requirements in their entirety.

On March 26, 2014, the South Dakota Telecommunications Association filed a letter seeking clarification that the previous order remains in effect and is applicable to the 2014 state ETC certification process. At its April 15, 2014, meeting, in Docket TC13-027, the Commission clarified that the terms of its previous order are still in effect and are applicable to the 2014 ETC certification process.

At its March 31, 2015, meeting, in Docket TC13-027, the Commission clarified that the terms of its previous order were still in effect and are applicable to the 2015 ETC certification process. In addition, by order dated May 20, 2015, the Commission required that carriers include their most recent FCC 477 submission data in electronic spreadsheet format when carriers file their annual requests for ETC certification.

¹ 47 C.F.R. § 54.313.

On May 12, 2016, Staff filed a letter opening this docket and requesting clarification as to how the companies should proceed in 2016. On May 12, 2016, the Commission electronically transmitted notice of the filing to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. No petitions to intervene or comments were received.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically SDCL 49-31-78 and 49-31-81, and ARSD 20:10:32:52 through 20:10:32:54.

At its regularly scheduled meeting on May 24, 2016, this matter came before the Commission for consideration and action. The Commission voted unanimously to find that the terms of its previous orders in Docket TC13-027 are still in effect, including the submission of carriers' most recent FCC 477 data.

It is therefore

ORDERED, that the ETC certification requirements are waived and clarified as set forth above, consistent with the Commission's April 26, 2013 order in Docket TC13-027; and it is further

ORDERED, that carriers shall include their most recent FCC 477 submission data in electronic spreadsheet format, where applicable, when carriers file their annual requests for ETC certification, consistent with the Commission's May 20, 2015 order in Docket TC13-027.

Dated at Pierre, South Dakota, this 25th day of May, 2016.

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 or by mail.
By: <u>Rolayne Wiest</u>
Date: <u>5-25-16</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner