

**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 ELIGIBLE
TELECOMMUNICATIONS
CARRIERS' CERTIFICATION
REQUIREMENTS**

AA18-001

The South Dakota 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.

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 (SDTA) 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 ETCs 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.

At its May 24, 2016, meeting, in Docket AA16-002, the Commission clarified that the terms of its previous orders were still in effect and are applicable to the 2016 ETC certification process.

At its April 10, 2017, meeting, in Docket AA 17-001, the Commission clarified that the terms of its previous orders were still in effect, with the exception of ARSD 20:10:32:54(1) and (2) and found that the submission of an ETCs' most recent FCC 477 data was no longer required.

On March 12, 2018, Commission staff filed a letter requesting clarification as to how ETCs should proceed in 2018. On March 15, 2018, the Commission electronically transmitted notice of the filing to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On March 29, 2018, SDTA filed comments.

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

At its regularly scheduled meeting on April 3, 2018, this matter came before the Commission for consideration and action. The Commission voted unanimously to grant waivers of ARSD 20:10:32:54(8) and (9), and a waiver of the June 1st filing deadline found in ARSD 20:10:32:52 and allow ETCs to file annual certifications petitions on or before July 2, 2018.

It is therefore

ORDERED, that ETCs shall submit information as required by ARSD 20:10:32:54 with the exception of ARSD 20:10:32:54(8) and (9) which are hereby waived. It is further

ORDERED, that the June 1st deadline in ARSD 20:10:32:52 is waived and ETCs shall file their annual certifications petitions on or before July 2, 2018, with the most recent Form 481 attached.

Dated at Pierre, South Dakota, this 5th day of April 2018.

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>Karen E. Bremer</u>
Date:	<u>4/5/18</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner