

**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; ORDER TO  
INITIATE A RULEMAKING**

**AA19-001**

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.<sup>1</sup> 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 for years 2013, 2014, and 2015, in response to the FCC changes in annual reporting requirements. Since 2016, this clarification process has been decided in dockets AA16-002, AA17-001, and AA18-001. In Docket AA18-001, the Commission voted to continue the waivers of ARSD 20:10:32:54 (8) and (9) for 2018, as well as waive the June 1 filing deadline as set forth in ARSD 20:10:32:52 and allow ETCs to file their annual certifications on or before July 2, 2018. On March 7, 2019, Commission staff filed a letter opening this docket and requesting clarification as to how the companies should proceed in 2019.

On March 15, 2019, 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, 2019, South Dakota Telecommunications Association filed comments into the docket encouraging the Commission "to initiate a rulemaking to examine more comprehensively all of its ETC certification rules set forth in ARSD 20:10:32:52 through 20:10:32:56 in light of FCC actions over the past several years substantially changing its general annual reporting requirements and also establishing new Broadband Deployment Reporting obligations for high cost recipients (found in 47 CFR § 54.316 and incorporating the USAC's High Cost Universal Broadband Portal)." On April 30, 2019, Commission staff filed a memorandum outlining its recommendations.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-31, specifically SDCL 49-31-3, 49-31-78, and ARSD 20:10:32:52 through 20:10:32:54.

At its regularly scheduled meeting on May 2, 2019, 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

---

<sup>1</sup> 47 C.F.R. § 54.313.

20:10:32:52 and to allow ETCs to file their annual certification petitions on or before July 1, 2019, and to direct Commission counsel to initiate a rulemaking.

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 1 deadline in ARSD 20:10:32:52 is waived and ETCs shall file their annual certification petitions on or before July 1, 2019. It is further

ORDERED, that Commission counsel is directed to initiate a rulemaking.

Dated at Pierre, South Dakota, this 6<sup>th</sup> day of May 2019.

<b>CERTIFICATE OF SERVICE</b>
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>05/06/19</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson  
GARY HANSON, Chairman

Chris Nelson  
CHRIS NELSON, Commissioner

Kristie Fiegen  
KRISTIE FIEGEN, Commissioner