

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

<b>IN THE MATTER OF STUDY AREA</b>	)	<b>ORDER OPENING DOCKET;</b>
<b>BOUNDARIES FOR INCUMBENT</b>	)	<b>ORDER SETTING COMMENT</b>
<b>LOCAL EXCHANGE CARRIERS</b>	)	<b>DEADLINE</b>
	)	
	)	<b>TC13-026</b>

On November 6, 2012, the Federal Communications Commission's (FCC's) Wireline Competition Bureau (Bureau) released a *Report and Order*<sup>1</sup> that adopted data specifications for collecting study area boundary data that the FCC intends to use to implement certain universal service reforms that it adopted as part of its *USF/ICC Transformation Order*.<sup>2</sup> In its *Study Area Boundary Order*, the Bureau required incumbent local exchange carriers (ILECs) to submit certified study area boundary data. In the alternative, the data could be submitted by state commissions on behalf of the ILECs with the ILECs remaining responsible for reviewing and certifying the data.

On February 26, 2013, the Bureau released an *Order on Reconsideration*<sup>3</sup> in which it modified the *Study Area Boundary Order* by finding that if a state commission submitted the data, the state commission would certify the accuracy of the data to the best of the state commission's knowledge, information, and belief. Each state commission will decide whether to submit the data and whether it will submit the data for all or some of the ILECs in its state.

On March 18, 2013, the Bureau announced the procedures and deadlines for submission of study area boundaries.<sup>4</sup> The *Notice* stated that state commissions that plan on submitting the study area boundary data must file a notice of intent with the FCC by April 12, 2013. State commissions are required to submit and certify the data no later than June 28, 2013. If a state commission does not submit a notice of its intent to file the data, the ILECs must submit the data by May 23, 2013.

At its March 26, 2013, meeting, the Public Utilities Commission (Commission) considered how to proceed regarding the issue of whether the Commission should submit and certify the study area boundary data. The Commission heard comments from the South Dakota

<sup>1</sup> *Connect America Fund; High-Cost Universal Service Support*, WC Docket Nos. 10-90, 05-337, Report and Order, 27 FCC Rcd 13528, (Wireline Comp. Bur. 2012) (*Study Area Boundary Order*).

<sup>2</sup> See *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform—Mobility Fund*; WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order*), *pets. for review pending sub nom. In re: FCC 11-161*, No. 11-9900 (10th Cir. filed Dec. 8, 2011).

<sup>3</sup> *Connect America Fund; High-Cost Universal Service Support*, WC Docket Nos. 10-90, 05-337, Order on Reconsideration, DA 13-282, (Wireline Comp. Bur. rel. Feb. 26, 2013) (*Study Area Boundary Order on Reconsideration*).

<sup>4</sup> *Wireline Competition Bureau Announces Procedures and Deadlines for Submissions of Study Area Boundaries*, WC Docket Nos. 10-90, 05-337, Public Notice, DA 13-456 (Wireline Comp. Bur. rel. March 18, 2013) (*Notice*).

Telecommunications Association (SDTA) and CenturyLink. SDTA and CenturyLink both expressed a preference for the Commission to submit and certify the data. A discussion was also held on how to deal with study areas that cross state lines. The Commission unanimously voted to open a docket to consider these issues and set April 3, 2013, as the deadline for written comments. The Commission further found that it would make its decision at its April 9, 2013, meeting.

It is therefore

ORDERED, that a docket is opened regarding the submission and certification of study area boundary data; and it is further

ORDERED, that any interested person may submit written comments on or before April 3, 2013.

Dated at Pierre, South Dakota, this 27<sup>th</sup> day of March, 2013.

<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.
By: <u><i>Joy King</i></u>
Date: <u>3.27.13</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*Gary Hanson*  
GARY HANSON, Chairman

*Chris Nelson*  
CHRIS NELSON, Commissioner

*Kristie Fiegen*  
KRISTIE FIEGEN, Commissioner