

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

**IN THE MATTER OF THE)
CONSIDERATION OF ELIGIBLE)
TELECOMMUNICATIONS)
CARRIER CERTIFICATION)
REQUIREMENTS)
)
)
)**

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

TC13-027

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 activities and services for which the support is intended. In its *USF/ICC Transformation Order*,¹ the FCC set forth new annual reporting requirements for recipients of federal high-cost support. 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 1st of each year. The Commission's ETC certification requirements are required to be filed by June 1st of each year.

At its March 26, 2013, meeting, the Commission opened a docket to consider whether to revise or waive any of its ETC requirements regarding certifications to the FCC. The Commission set April 16, 2013, as the deadline for written comments. On April 15, 2013, Midcontinent Communications filed written comments. On April 16, 2013, AT&T Corporation, South Dakota Telecommunications Association, and Qwest Corporation dba CenturyLink QC filed written comments. The comments generally supported actions by the Commission to coordinate filing timelines and eliminate inconsistencies between state and federal requirements to minimize the burden of the reporting requirements.

At its April 23, 2013, meeting, the Commission considered this matter. The Commission unanimously voted to clarify certain requirements and waive other requirements pursuant to ARSD 20:10:32:56. First, the Commission waives the June 1st deadline as set forth in ARSD 20:10:32:52 and will allow ETCs to file their annual certification petitions on or before July 1st. With respect to ARSD 20:10:32:54(1), the Commission finds 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 finds 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 waives the portions of these subdivisions that are not consistent with the federal requirements. This will allow the ETCs to rely on their federal filings, avoiding duplication of effort for requirements that are substantially similar. With respect to ARSD 20:10:32:54(8) and (9), the Commission waives

¹ 47 C.F.R. § 54.313.

these requirements in their entirety. The Commission finds that these requirements are either not necessary or are substantially covered by the FCC's annual reporting requirements.

The Commission clarifies that all ETCs are still required to file requests for certifications. An ETC may file its FCC annual report with its request for certification, specifically referencing those parts it intends to rely upon for each of the Commission's requirements.

It is therefore

ORDERED, that ETC certification requirements are waived and clarified as set forth above.

Dated at Pierre, South Dakota, this 26th day of April, 2013.

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:	<u>[Signature]</u>
Date:	<u>04.26.13</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

[Signature: Gary Hanson]
GARY HANSON, Chairman

[Signature: Chris Nelson]
CHRIS NELSON, Commissioner

[Signature: Kristie Fiegen]
KRISTIE FIEGEN, Commissioner