



Advocating for South Dakota's Rural Broadband Providers

March 29, 2019

Ms. Patty Van Gerpen, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Ave.
State Capitol Building
Pierre, SD 57501

RE: Docket AA19-001 (In the Matter of Clarification of the Commission's ETC Certification Process)

Dear Ms. Van Gerpen:

In response to Commission Staff's letter of March 7, 2019, requesting commencement of the above referenced administrative proceeding in order to determine the status of administrative rule waivers that the Commission has previously granted in Docket TC13-027 (*In the Matter of the Consideration of Eligible Telecommunications Carrier Certification Requirements*), the South Dakota Telecommunications Association (SDTA) offers the following comments.

SDTA, on behalf of all of its rural telephone company members, would note first its appreciation for the willingness of the Commission, to date, to issue administrative rule waivers of the ETC certification provisions found in ARSD §§ 20:10:32:52 through 20:10:32:54 as a means of bringing consistency to the state and federal ETC provisions and avoiding the imposition of any duplicative and unnecessary reporting burdens.

Regarding the Commission's prior actions in granting waivers of some of the ETC certification provisions, SDTA would refer specifically to the Commission's "Order Waiving Eligible Telecommunications Carrier Certification Requirements" issued last year in Docket AA18-001 on April 5th, and would urge the Commission to take similar action this year, as follows:

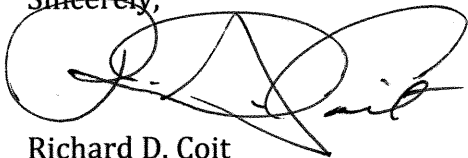
- First, again the Commission should clarify that the annual ETC certification filing date as set forth in ARSD § 20:10:32:52 (of June 1st) will be waived and, instead, the required certification filing deadline will be July 1, 2019 (consistent with the FCC's applicable annual reporting rules for high cost recipients found in 47 CFR § 54.313);
- With respect to ARSD subsections 20:10:32:54(4) and (5), the Commission should as it has in its past Orders waive those portions of each subsection that are not consistent with the federal requirements; and

- With respect to ARSD subsections 20:10:32:54(8) and (9), the Commission should find that the specific reporting required by each of those subsections is unnecessary and grant a waiver of the same.

Finally, going forward SDTA would encourage 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 (see 47 CFR § 54.313) 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).

We thank the Commissioners for this opportunity to submit comments and for its consideration of these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Coit", written over a large, stylized circular scribble.

Richard D. Coit
SDTA Executive Director and General Counsel

CC: Commission Service List