

ARTICLE 20:10

PUBLIC UTILITIES

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20:10:01:01. Sessions of commission. The office of the commission shall be in the capitol at Pierre and shall be open each business day for the transaction of business. Meetings or hearings dealing with particular matters shall be held ~~at its office in the capitol in the city of Pierre on such days and at such hours as the commission may designate~~ at a place, date, and time as designated by the commission.

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11.

Law Implemented: SDCL 49-1-4.

20:10:01:01.01. Definitions. Terms used in this chapter mean:

- (1) "Commission," the Public Utilities Commission of the state of South Dakota;
- (2) "Applicant" or "petitioner," a party seeking approval, authority, or other relief; or any person who notifies the commission of a proposed change in gas, electric, or common carrier rates;
- (3) "Complainant," a party who files a complaint;
- (4) "Party," a person by or against whom a proceeding is commenced or a person admitted by the commission or properly seeking and entitled as of right to be admitted as a party, including commission staff when representing the public interest. Commission staff is not required to intervene to be a party; and
- (5) "Respondent," a party who is complained against, or a party investigated or ordered to show cause.

Source: 2 SDR 56, effective February 2, 1976; transferred from ☐ 20:10:14:01, 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11.

Law Implemented: SDCL 1-26-1(5), 49-34A-4.

20:10:01:02. Appearances. Any party to a proceeding may appear before the commission and be heard either in person or by attorney. ~~A corporation or association may be represented before the commission by any bona fide officer or employee.~~

Source: SL 1975, ch 16, ☐ 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11.

Law Implemented: SDCL 49-1-11.

20:10:01:07.01. Contents of complaint. A complaint shall be in writing and an original and three copies shall be filed with the commission ~~with as many additional copies as there are parties complained against.~~ A complaint shall contain:

- (1) The full name and address of the complainant or complainants;
- (2) The full name and address of each respondent;
- (3) A full, clear, and reasonably certain statement of the facts giving rise to the complaint with reference where practicable to the law, statute, order, or rules of which a violation is claimed;

(4) ~~A prayer for relief to which the complainant believes himself entitled.~~ The remedy requested by the complainant;

- (5) The signature of the complainant and the name and post office address of the complainant's attorney, if any; and

~~(6) A verification of the complaint before a notary public~~ An affirmation that the statement of facts are accurate to the best of the complainant's knowledge.

Source: 2 SDR 56, effective February 2, 1976; transferred from \square 20:10:14:11, 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11, 49-34A-4.

Law Implemented: SDCL 49-13-1, 49-13-2, 49-34A-59, 49-44-16.

20:10:01:10. Actions which satisfy complaint. The respondent shall, within the time fixed by the notice served upon it, satisfy the complaint by making reparation for the injury alleged to have been done, correcting the wrong complained of, or answering the complaint by filing the original and one copy of the answer in the office of the commission and serving a copy on each of the complainants. If a respondent satisfies a complaint before or after answering, a written acknowledgment ~~thereof~~ showing the character and extent of the satisfaction must be filed by the complainant, and a statement of the facts and manner of satisfaction, ~~without other matter,~~ may be filed as an answer. Upon approval of the commission, no further proceedings will be taken.

Source: SL 1975, ch 16, \square 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11, 49-34A-4.

Law Implemented: SDCL 49-1-11, 49-13-1, 49-13-3, 49-34A-4.

20:10:01:11.01. Defenses to complaint. The defense that the complainant does not have a good or sufficient reason for making a complaint, that the complainant is without standing to make the complaint, or that a complaint fails to show probable cause or otherwise fails to conform to this chapter, may be raised by motion to dismiss or answer, at the option of the

respondent. All other defenses to the complaint shall be raised by answer. An original and ~~three~~ ten copies of the motion to dismiss or answer, accompanied by proof of service ~~of a copy thereof~~ on the complainant, shall be filed with the commission. The answer shall specifically admit or specifically deny material allegations of the complaint and may also contain a statement of new matters constituting an affirmative defense. If the respondent has no information or belief on the subject sufficient to enable the respondent to answer an allegation of the complaint, the respondent may so state in the answer and ~~place a denial upon~~ deny the allegation on that ground.

Source: 2 SDR 56, effective February 2, 1976; transferred from ☐ 20:10:14:15, 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11, 49-34A-4.

Law Implemented: SDCL 49-1-11, 49-13-1, 49-34A-4.

20:10:01:15 ~~Investigation of complaint~~ Opportunity for hearing. Upon receipt of the answer of the respondent or respondents or at the expiration of the time fixed for the filing of the answer, if the respondent or respondents have not satisfied the complaint or corrected the wrong complained of, the commission shall ~~investigate the matter complained of. An investigation may involve hearings~~ give the parties an opportunity for a hearing conducted in accordance with the provisions of SDCL chapter 1-26.

Source: SL 1975, ch 16. ☐ 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11, 49-34A-4.

Law Implemented: SDCL 49-1-11, 49-13-1, 49-13-3, 49-34A-4.

20:10:01:15.02. Intervention. A person who is not an original party to a proceeding before the commission and who claims an interest in a pending proceeding may petition the commission for leave to intervene. An original and ~~three~~ ten copies of a petition to intervene shall be filed with the commission within the time specified in the commission's order establishing time for intervention. A petition to intervene which is not timely filed with the commission shall not be granted by the commission unless the denial of the petition is shown to be detrimental to the public interest or to be likely to result in a miscarriage of justice.

Source: 2 SDR 56, effective February 2, 1976; transferred from § 20:10:14:02, 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11.

Law Implemented: SDCL 1-26-17.1, 49-34A-13.1.

20:10:01:15.06. Individual's right to appear. Notwithstanding ☐ 20:10:01:15.02, an individual, customer or ratepayer, or governmental representative shall be permitted to appear in person without filing a petition for leave to intervene, if the person makes a full disclosure of identity and the person's interest in the proceeding and if the contentions of the person are reasonably pertinent to the issues presented ~~and the right to broaden the issues is disclaimed.~~ Persons appearing pursuant to this section shall not be afforded the status of a party to the proceedings.

Source: 2 SDR 56, effective February 2, 1976; transferred from ☐ 20:10:14:06, 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11.

Law Implemented: SDCL 49-1-11.

20:10:01:17. Subpoenas. Subpoenas requiring the attendance of witnesses and the production of records, books, papers, tariffs, agreements, contracts, and documents may be issued by an attorney consistent with SDCL 15-6-45(a) or any commissioner or the executive secretary on the written request of any party in any proceeding before the commission.

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11.

Law Implemented: SDCL 1-26-19.1, 49-1-8.2, 49-1-11.

20:10:01:22.01. ~~Order for deposition, interrogatory, or discovery.~~ Discovery – Order to compel. Parties may obtain discovery from other parties without commission approval. The commission at its discretion, either upon its own motion or for good cause shown by a party to a proceeding, may issue an order to compel take a deposition, interrogatory, or other discovery proceeding. The taking and use of ~~such deposition, interrogatory, or discovery~~ shall be in the same manner as in the circuit courts of this state.

Source: 2 SDR 56, effective February 2, 1976; transferred from § 20:10:14:24, 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11.

Law Implemented: SDCL 1-26-19.2.

20:10:01:25. Briefs. The commission in its discretion may order the filing of written briefs and when so ordering shall fix the due dates for filing. Briefs shall contain the following matters: statement of the case; abstract of the evidence relied upon by the party filing the brief; specific citations to the record; arguments, including references to decisions of the commission, other commissions, or ~~of the courts~~; and request for specific findings desired by the party filing

the brief. Such requested findings should be stated separately and numbered. The original and ~~three~~ ten copies shall be filed with the commission and a copy shall be served on each party. Certification of service shall be filed with the briefs.

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11.

Law Implemented: SDCL 49-1-11.

20:10:01:28. Compliance with orders. A party named in an order issued by the commission shall promptly notify the executive ~~secretary~~ director of the commission ~~whether or not compliance has been made therewith~~ if the party has failed to comply with the order or anticipates that the party will be unable to comply with the order. If a change in any rate, rule, practice, regulation, or classification is required, a notification to the executive ~~secretary~~ director must be given in addition to the filing of the proper tariffs.

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11.

Law Implemented: SDCL 49-1-11.

20:10:01:29. Rehearings or reconsideration. ~~Any~~ A party to ~~any~~ a proceeding before the commission may apply for a rehearing or reconsideration as to any matter determined by the commission and specified in the application for the rehearing or reconsideration. The commission may grant reconsideration ~~or and hold such rehearings~~ rehearing on said matters if, in its judgment, there appears to be sufficient reason for rehearing or reconsideration.

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11.

Law Implemented: SDCL 49-1-11, 49-28-53, 49-34A-61.1.

20:10:01:30.01. Application for rehearing or reconsideration. An application for a rehearing or reconsideration shall be made only by ~~verified~~ written petition by a party to the proceeding. An original and ~~3~~ ten copies of the application shall be filed with the commission within 30 days from the issuance of the commission decision or order. An application for rehearing or reconsideration based upon claim of error shall specify all findings of fact and conclusions of law claimed to be erroneous with a brief statement of the ground of error. An application for rehearing or reconsideration based upon newly discovered evidence, upon facts and circumstances arising subsequent to the hearing, or upon consequences resulting from compliance with the decision or order, shall set forth fully the matters relied upon. The application shall show service thereof on all other parties to the proceeding.

Source: 2 SDR 56, effective February 2, 1976; transferred from § 20:10:14:39, 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11.

Law Implemented: SDCL 49-1-11, 49-28-53, 49-34A-61.1.

20:10:01:30.02. Answer to application for rehearing or reconsideration. Within 20 days following service of an application for rehearing or reconsideration, any party may file with the commission an answer to the application. The answer shall show service thereof upon all parties to the proceeding.

Source: 2 SDR 56, effective February 2, 1976; transferred from □ 20:10:14-40, 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11.

Law Implemented: SDCL 49-1-11, 49-28-53, 49-34A-61.1.

20:10:01:32. Information provided by commission. The executive ~~secretary~~ director of the commission will, upon request, advise any party as to the form of any petition, answer, or other document or paper necessary to be filed in any proceeding.

Source: SL 1975, ch 16, □ 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-1-11.

Law Implemented: SDCL 49-1-11.

CHAPTER 20:10:24

TELECOMMUNICATIONS SERVICES INTEREXCHANGE CARRIER AND CLASSIFICATION RULES

Section

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20:10:24:01. Definitions. Terms defined in SDCL 49-31-1 have the same meaning in this chapter. In addition, terms used in this chapter and SDCL 49-31 mean:

(1) "Access charges," the amount one local exchange telecommunications company charges an interexchange carrier for use of telecommunications facilities to originate or terminate calls within its service area;

(2) "Alternative operator service provider (AOS)," a corporation, company, partnership, person, or any entity, other than the serving local exchange or interexchange carrier, providing a connection by contract to intrastate or interstate long distance or to local services from such places as hotels, motels, hospitals, campuses, and customer-owned pay telephones;

(3) "Call blocking," denying the completion of a call which would allow the caller to reach a long distance telephone company from an AOS company;

(4) "Customer," an individual, partnership, association, joint-stock company, trust, corporation, governmental entity, or any other entity which subscribes to telecommunications services, including interexchange carriers and end users;

(5) "Deregulation," partial or total exemption from regulation by the commission of a service, rate, product, or practice;

(6) "End user," a person or entity, except a telecommunications company, which utilizes telecommunications services for its own use;

(7) "Extended area service (EAS)," a telecommunications service that expands a local calling area to include another ~~adjacent~~ local exchange area;

(8) "Interexchange carrier," a telecommunications company which renders telecommunications service between points which are not in the same local calling area established in the tariff of a local exchange carrier;

(9) "Interstate access," the ability of interexchange carriers to utilize the facilities of a local exchange carrier for the origination and termination of interexchange interstate interLATA calls;

(10) "Intrastate access," the ability of a telecommunications company to utilize the facilities of the local exchange carrier for the origination and termination of intrastate interexchange calls;

(11) "Intrastate telecommunications services," telecommunications services that are functionally intrastate, with points of origination and termination within South Dakota, regardless of the specific routing of the affected traffic;

(12) "Local calling area," a geographical area, including extended area service (EAS) points as defined in the telephone company's local exchange service tariff, in which an end user may complete a call without incurring long distance charges;

(13) "Local exchange area," a service territory consisting of one or more central offices together with associated facilities which are used in providing basic local exchange service;

(14) "Resale," the subscription to local or long distance telecommunications services and facilities by an entity which then offers them for sale to others with or without enhancements;

(15) "Reseller," a person or entity reselling local or long distance telecommunications services.

Source: 16 SDR 106, effective December 27, 1989.

General Authority: SDCL 49-31-3, 49-31-5

Law Implemented: SDCL 49-31-3, 49-31-5.

20:10:24:02. Certificate of authority for interexchange service -- Application requirements. Telecommunications companies required to apply for a certificate of authority with the commission pursuant to SDCL 49-31-3 for interexchange service shall provide the following information ~~for the initial certification~~ with their application unless the commission grants a waiver to omit a specific item of information:

- (1) The name, address, and telephone number of the applicant;
- (2) The name under which the applicant will provide these services if different than in subdivision (1) of this section;
- (3) If the applicant is a corporation:
 - (a) The state in which it is incorporated, the date of incorporation, and a copy of its certificate of incorporation or, if it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the Secretary of State;
 - (b) The location of its principal office, if any, in this state and the name and address of its current registered agent;
 - (c) The names and addresses of any corporation, association, partnership, cooperative, or individual holding a 20 percent or greater ownership or management interest in the applicant corporation and the amount and character of the ownership or management interest; and
 - (d) The names and addresses of subsidiaries owned or controlled by the applicant.
- (4) If the applicant is a partnership, the name, title, and business address of each partner, both general and limited;
- (5) A specific description of the telecommunications services the applicant intends to offer;
- (6) A detailed statement of the means by which the applicant will provide its services, including the type and quantity of equipment to be used in the operation, the capacity, and the expected use of the equipment;
- (7) The geographic areas in which the services will be offered, ~~including~~ or a map describing the service area;

(8) Current financial statements including a balance sheet, income statement, and cash flow statement; a copy of the applicant's latest annual report; a copy of the applicant's report to stockholders; and a copy of applicant's tariff with the terms and conditions of service;

(9) The names, ~~and~~ addresses, telephone number, fax number, e-mail address, and toll free number of the applicant's representatives to whom all inquiries should be made regarding complaints and regulatory matters and a description of how the applicant handles customer billings and customer service matters;

(10) A list of the states in which the applicant is registered or certified to ~~do business and if the applicant has not been denied registration or certification in any state and the reasons for the denial~~ provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable;

(11) A detailed description of how the applicant intends to market its services, the qualifications of its marketing sales personnel, its target market, whether the applicant engages in any multilevel marketing, copies of any company brochures used to assist in the sale of services, and all telemarketing scripts used by the applicant and its third party verifier; and

(12) Cost support for rates shown in the company's tariff for all noncompetitive or emerging competitive services;

(13) Federal tax identification number;

(14) The number and nature of complaints filed against the applicant with any state or federal regulatory commission regarding the unauthorized switching of a customer's

telecommunications provider and the act of charging customers for services that have not been ordered;

(15) A written request for waiver of those rules believed to be inapplicable; and

(16) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the interexchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

The commission may at its discretion require the production of an audited financial statement and additional information to supplement that contained in the application. The companies shall notify the commission of any changes in subdivisions (1), (2), (3b), ~~(4)~~, (7), (9), and (11) as they occur.

Source: 16 SDR 106, effective December 27, 1989; 21 SDR 81, effective November 3, 1994; 22 SDR 107, effective February 18, 1996.

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3.

20:10:24:03 Denial of application for certificate of authority for interexchange service. If an application filed pursuant to SDCL 49-31-3 for interexchange telecommunications is incomplete, inaccurate, false, or misleading, the commission shall reject the application. If the commission finds that the applicant is not financially, technically, or managerially able to provide the contemplated service, it shall deny the application for certification.

Source: 16 SDR 106, effective December 27, 1989; 21 SDR 81, effective November 3, 1994.

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3.

20:10:24:03.01 Decision criteria for granting a certificate of authority. A certificate of authority to provide interexchange service may not be granted unless the applicant establishes sufficient technical, financial, and managerial ability to provide the interexchange services described in its application consistent with the requirements of this chapter, and other applicable laws, rules, and commission orders. In determining whether an applicant has sufficient technical, financial, and managerial capabilities and whether a certificate of authority for interexchange services should be granted the commission shall consider:

(1) Whether the applicant has an actual intent to provide interexchange services in South Dakota;

(2) Prior experience of the applicant or the applicant's principals or employees in providing telecommunications services or related services in South Dakota or other jurisdictions, including the extent to which that experience relates to and is comparable to service plans outlined in the filed application;

(3) The applicant's personnel, staffing, equipment, and procedures, including the extent to which these are adequate to ensure compliance with the commission's rules and orders relating to service obligations, service quality, customer service, and other relevant areas;

(4) The nature and location of any proposed or existing facilities which the applicant intends to use in providing interexchange services, including the extent to which those facilities are capable of providing the services described in the application consistent with any applicable regulation;

(5) If the applicant intends to resell interexchange services or enter into facility arrangements with other telecommunications carriers, when the necessary arrangements will be

in place and whether they will be adequate to deliver the services described in the application consistent with any applicable regulation;

(6) The applicant's marketing plans and its plan and resources for receiving and responding to customer inquiries and complaints;

(7) Whether the applicant has sufficient financial resources to support the provisioning of interexchange service in a manner that ensures the continued quality of telecommunications services and safeguards consumer and public interests;

(8) The applicant's cash reserves and extent to which those reserves are sufficient to meet startup expenses, working capital requirements, and other expected immediate capital expenditures;

(9) The applicant's business or owner equity;

(10) The applicant's long-term debt to capitalization ratio;

(11) The applicant's return-on-assets ratio;

(12) The extent to which the applicant, applicant's affiliates, or applicant's principals have been subject to any civil, criminal, or administrative action in connection with the provisioning of telecommunications services; and

(13) Any other factors relevant to determining the applicant's technical, financial and managerial capability to provide the services described in the application consistent with the requirements of this chapter, and other applicable laws, rules, and commission orders.

Source:

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3.

20:10:24:04. Certificate of authority – Information filed after certification. After a telecommunications company has received a certificate of authority from the commission, the company shall submit on ~~May~~ June 1 each year thereafter the following information from the preceding calendar year:

(1) A report on its revenues resulting from operations in this state, a current financial statement, and a statement of any changes in the financial position of the telecommunications company relating to operations of the company in South Dakota. The report and statements shall be verified by a corporate officer and shall identify the location where any working papers supporting the report and statements can be reviewed;

(2) A report identifying the exchanges, routes, or other geographic areas of this state where it is providing or expects to provide services. The report shall include the number and type of customers being served, if the company keeps such records.

Source: 16 SDR 106, effective December 27, 1989; 21 SDR 81, effective November 3, 1994; 22 SDR 107, effective February 18, 1996.

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3.

20:10:24:04.01. Sale, assignment, lease, or transfer of certificate of authority. In ruling on any proposed sale, assignment, lease, or transfer of a certificate of authority to provide interexchange services, the commission shall consider the criteria set forth in § 20:10:24:03.01.

Source:

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3.

20:10:24:04.02. Suspension or revocation of certificate of authority. Failure of any provider of interexchange service to comply with applicable requirements set forth in this chapter, other terms and conditions imposed on its certification by the commission, or applicable rules and laws, or for other good cause may result in the suspension or revocation of the provider's certificate of authority to provide interexchange services.

Source:

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3.

20:10:24:04.03. Notice and hearing required for suspension or revocation of certificate of authority. No suspension or revocation of a certificate of authority is lawful unless, prior to the institution of commission proceedings, the commission gave notice by certified mail using the address on file with the commission to the named holder of the certificate of authority of the facts or conduct which warrant the intended action, and the named holder of the certificate of authority was given a reasonable opportunity to show compliance with all lawful requirements for the retention of the certificate of authority. It is the responsibility of the named holder of the certificate of authority to inform the commission of any change in address.

Source:

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3; 1-26-29.

20:10:24:04.04. Procedure for suspension or revocation hearing. Upon the filing of a notice of hearing for suspension or revocation of a certificate of authority, the commission shall issue and serve an order to show cause upon the named holder of the certificate of authority. The order shall be served at least ten days before the hearing unless otherwise ordered. The order

shall include a notice of the time and place of the hearing. The order shall require the person complained of to appear at the time and place fixed in the notice and to show cause why the proposed action should not be taken. The order shall refer to an attached copy of a verified complaint or other notice, affidavit, or official document in such a way as to inform the party of the charge or violation upon which the order is based and issued. At the hearing, the commission staff or complainant shall present evidence of the alleged violation. The telecommunications company shall then be allowed an opportunity to respond to the evidence.

After the hearing the commission shall enter its decision either dismissing the complaint or entering an order directing the action specified in the order to show cause. If the commission revokes a certificate of authority, the named holder of the certificate of authority may not reapply for a certificate of authority for at least one year after the date of revocation.

Source:

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3.

20:10:24:04.05. Performance bonds. If in the public interest, the commission may require an applicant, as a condition precedent to granting a certificate of authority, to file with the commission a bond in such sum as the commission may require and be of a duration set by the commission. Such bond shall be filed with the commission and be for the benefit of other telecommunications companies providing access to the local exchange networks for the applicant or any other customer of the applicant.

The commission may, for good cause shown, require such increases in the amount of such bond, from time to time, as it may deem necessary for the protection of the public. The

surety on such bond must be a corporate surety company holding a certificate with the

Department of Insurance of the State of South Dakota authorizing it to execute the same.

Source:

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3.

CHAPTER 20-10:25

TELECOMMUNICATIONS FACILITY CONSTRUCTION NOTICE BILLS

(Repealed)

Section

~~20-10:25-01. Telecommunications facility defined.~~

~~20-10:25-02. Construction of a telecommunications facility. Notice requirements.~~

~~20-10:25-03. Filing a complaint against the proposed construction of a telecommunications~~

~~facility.~~

~~20-10:25-04. Additional requirements for the construction of an access facility.~~

~~20-10:25-05. Telecommunications facility defined. The term telecommunications~~

~~facility, for the purposes of this chapter, includes telecommunications switches and cabling~~

~~equipment, transmission lines, radio frequency transmission equipment, and optical equipment.~~

~~The installation of customer-premise equipment or the construction of a facility with an~~

~~estimated value of \$10,000 or less does not constitute the construction of a telecommunications~~

~~facility.~~

~~Source: 18 SDR 26, effective August 7, 1991.~~

~~General Authority: SDCL 49-1-11, 49-31-3, 49-31-5.~~

~~Law Implemented: SDCL 49-31-7, 49-31-7.1, 49-31-20, 49-31-21.~~

NEXT

DOCUMENT (S)

BEST IMAGE

POSSIBLE

~~10.10.15.03. Construction of a telecommunications facility — Notice requirements.~~

~~A telecommunications company constructing a telecommunications facility, including upgrades and replacements of existing facilities, in, into, or through another local exchange company's exchange territory, shall file a notice with the commission at least 45 days before initiating construction. For the purpose of this section, the notice period may be shortened or the notice may be waived by order of the commission upon a showing of good cause. A mutual agreement of the affected parties which is filed with the commission and includes the information requested in subsection (1) to (4) in lieu of this section constitutes a waiver for purposes of this chapter. The notice shall contain the following information:~~

- ~~(1) A detailed description of the proposed telecommunications facility;~~
- ~~(2) The purpose for constructing the facility;~~
- ~~(3) A map indicating either the site or path, or both, of the proposed facility. Maps submitted shall be submitted in 1/2 by 11 inches, with the title block appearing in one of the bottom corners; and~~

~~(4) All telecommunications companies that are subject to rate of return regulation by the commission shall also file, with the commission only, the estimated cost of constructing the proposed facility.~~

~~The constructing telecommunications company shall provide a copy of the written notice of construction to all telecommunications companies whose local exchange territories are being crossed as a site or path for the proposed telecommunications facility. The constructing telecommunications company shall also provide the commission with evidence of service of the notice upon all affected telecommunications companies by filing a certificate of service with the commission.~~

~~This notice requirement applies to all telecommunications companies building a telecommunications facility in, into, or through a local exchange territory where it does not provide local exchange service whether the construction is "access" or "nonaccess" as defined in SDCL 49-31-20 and 49-31-21.~~

~~Source: 18 SDR 26, effective August 7, 1991.~~

~~General Authority: SDCL 49-1-11, 49-31-3, 49-31-5.~~

~~Law Implemented: SDCL 49-31-7, 49-31-7.1, 49-31-20, 49-31-21.~~

~~20-10-25-03. Filing a complaint against the proposed construction of a telecommunications facility. A telecommunications company protesting the construction proposed under § 20-10-25-02 may file a complaint with the commission stating in detail the specific reasons for its complaint. The complaint shall be filed with the commission no later than 10 days after the notice was filed with the commission by the constructing telecommunications company. After the complaint is filed, the commission may set a procedural schedule for hearing the complaint or for other proceedings, as necessary, to determine the merits of the complaint. The commission shall make its decision on the complaint within 45 days after the complaint is filed with the commission. The time for making a decision may be extended by the commission for good cause.~~

~~Source: 18 SDR 26, effective August 7, 1991.~~

~~General Authority: SDCL 49-1-11, 49-31-3, 49-31-5.~~

~~Law Implemented: SDCL 49-31-7, 49-31-7.1, 49-31-20, 49-31-21.~~

~~20-10-25-04. Additional requirements for the construction of an access facility. If the telecommunications facility proposed under § 20-10-25-02 is an access facility, in addition to the notice required under § 20-10-25-02, the constructing telecommunications company shall file~~

~~an application for a construction permit with the commission in accordance with SDCL 49-31-20 and 49-31-21. Pursuant to SDCL 49-11-20 and 49-31-21, the constructing telecommunications company shall only file the notice required under § 20-10-25-02 if the proposed construction is a new facility, and covers the territory being lawfully occupied and served by another telecommunications company, furnishing reasonably adequate service, the proposed construction is a new facility, which is not receiving similar service, or the affected telecommunications company or companies agree in writing to the proposed construction.~~

~~Source: 13 SDB 26, effective August 7, 1991.~~

~~General Authority: SDCL 49-1-11, 49-31-3, 49-31-5.~~

~~Law Implemented: SDCL 49-31-7, 49-31-7.1, 49-31-20, 49-31-21.~~

CHAPTER 20-10-28

TELECOMMUNICATIONS SEPARATIONS PROCEDURES

Section

- 20-10-28-01 Definitions.
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- 20-10-28-03 Assignment of book costs -- General.
- 20-10-28-04 Separations procedures -- General.
- 20-10-28-05 Classification of telecommunications plant -- General.
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- 20-10-28-07 Classification of property rented to or from affiliates.
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- 20-10-28-10 Telecommunications property -- Procedures for assignment of property and

allocation of costs.

- 20:10:28:11 Treatment of rental plant.
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- 20:10:28:13 General support facilities -- Account 2110 -- Included assets.
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- 20:10:28:15 Apportionment of cost of general support facilities for class B companies.
- 20:10:28:16 Central office equipment accounts.
- 20:10:28:17 Assignment of central office equipment to categories.
- 20:10:28:18 Distribution of cost of common equipment not assigned to a specific category -- Weighting factor.
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- 20:10:28:21 Operator systems equipment -- Category 1 -- Account 2220 Included equipment.
- 20:10:28:22 Classification of operator systems equipment.
- 20:10:28:23 Key pulsing switchboards -- Included equipment.
- 20:10:28:24 Traffic service position systems -- Included equipment.
- 20:10:28:25 Apportionment of cost of operator systems equipment.
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- 20:10:28:27 Apportionment of cost of service observing boards.
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- 20:10:28:29 Tandem switching equipment -- Category 2 -- Accounts 2210, 2211, 2212, and 2215 -- Included equipment.

- 20-10-28-30 Tandem switching equipment at toll center toll offices -- Included equipment.
- 20-10-28-31 Tandem switching equipment at tributary offices -- Included equipment.
- 20-10-28-32 Tandem switching equipment at all switching entities -- Included equipment.
- 20-10-28-33 Assignment of cost of tandem switching equipment.
- 20-10-28-34 Local switching equipment -- Category 3 -- Accounts 2210, 2211, 2212, and 2215 -- Included equipment.
- 20-10-28-35 Apportionment of category 3 investment.
- 20-10-28-36 Circuit equipment -- Category 4 -- Accounts 2230, 2231, and 2232 -- Included equipment.
- 20-10-28-37 Assignment of cost of circuit equipment to subsidiary categories.
- 20-10-28-38 Separation of circuit equipment into basic circuit equipment and special circuit equipment.
- 20-10-28-39 Segregation of cost of exchange circuit equipment and interexchange circuit equipment.
- 20-10-28-40 Apportionment of cost of exchange circuit equipment among the operations.
- 20-10-28-41 Apportionment of cost of interexchange circuit equipment among the operations.
- 20-10-28-42 Apportionment of cost of intrastate private line circuits and message circuits.
- 20-10-28-43 Segregation and apportionment of the cost of special circuit equipment.
- 20-10-28-44 Host/remote message circuit equipment -- Category 4.3 -- Included equipment -- Apportionment of cost.
- 20-10-28-45 Information origination/termination equipment -- Included equipment.
- 20-10-28-46 Segregation of cost of information origination/termination equipment.
- 20-10-28-47 Other information origination/termination equipment -- Category 1 -- Included

- equipment -- Allocation of cost.
- 20:10:28:48 Customer premises equipment -- Category 2 -- Assignment of cost.
- 20:10:28:49 Cable and wire facilities -- Account 2410 -- Included plant.
- 20:10:28:50 Exchange cable and wire facilities categories -- Included facilities.
- 20:10:28:51 Interexchange cable and wire facilities -- Category 3 -- Included services and facilities.
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- 20:10:28:53 Assignment of cable and wire facilities to categories.
- 20:10:28:54 Additional costs of high-frequency transmission.
- 20:10:28:55 Assignment of cost of cable loading.
- 20:10:28:56 Assignment of cost of other cable plant.
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- 20:10:28:58 Poles and antenna-supporting structures -- Included equipment.
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- 20:10:28:61 Exchange line cable and wire facilities -- Category 1 -- Apportionment of cost.
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- 20:10:28:63 Interexchange cable and wire facilities -- Category 3 -- Apportionment of cost.
- 20:10:28:64 Host/remote message cable and wire facilities -- Category 4 -- Apportionment of cost.
- 20:10:28:65 Amortizable tangible assets -- Account 2680 -- Apportionment of cost.
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- 20:10:28:76 Network access revenue -- Account 5080.
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- 20:10:28:81 Assignment of long distance message revenues -- Account 5100.
- 20:10:28:82 Assignment of miscellaneous revenues -- Account 5200.
- 20:10:28:83 Apportionment of uncollectible revenues -- Account 5300.
- 20:10:28:84 Apportionment of other operating income and expenses -- Account 7100.
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- 20:10:28:89 Subsidiary record categories.
- 20:10:28:90 Plant-specific operations expenses -- Accounts -- General apportionment.
- 20:10:28:91 Network support expenses, account 6110 -- General support expenses, account 6120 -- Included expenses -- Apportionment of expenses.
- 20:10:28:92 Central office expenses, accounts 6210, 6220, and 6230 -- Apportionment of expenses.
- 20:10:28:93 Classification of information origination/termination expenses, account 6310.
- 20:10:28:94 Other information origination/termination equipment expenses -- Included expenses -- Apportionment of expenses.
- 20:10:28:95 Assignment of customer premises equipment expenses.
- 20:10:28:96 Cable and wire facilities expenses, account 6410 -- Included expenses -- Assignment of expenses.
- 20:10:28:97 Plant-nonspecific operations expenses -- Accounts.
- 20:10:28:98 Other property plant and equipment expenses, account 6510 Included expenses -- Apportionment of expenses.
- 20:10:28:99 Network operations expenses, account 6530 -- Included expenses -- Apportionment of expenses.
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- 20:10:28:106 Published directory listing -- Included expenses -- Assignment of expenses.
- 20:10:28:107 All other -- Categories.
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- 20:10:28:109 End user service order processing -- Included expenses -- Subcategories -- Assignment of subcategories.
- 20:10:28:110 End user payment and collection -- Included expenses -- Subcategories -- Assignment of subcategories.
- 20:10:28:111 End user billing inquiry -- Included expenses -- Subcategories -- Assignment of subcategories.
- 20:10:28:112 Intrastate interexchange carrier service order processing -- Included expenses -- Subcategories -- Assignment of subcategories.
- 20:10:28:113 Intrastate interexchange carrier payment and collection -- Included expenses -- Subcategories -- Assignment of subcategories.
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- 20:10:28:115 Coin collection and administration -- Included expenses -- Assignment of expenses, Repealed.
- 20:10:28:116 All other, category 2 -- Customer services expenses (revenue accounting) -- Included expenses -- Classifications.
- 20:10:28:117 Message processing -- Included expenses -- Subcategories -- Assignment of

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- 20:10:28:118 Other billing and collecting -- Included expenses -- Segregation into services --
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- 20:10:28:119 Assignment of end user common line charge billing expense.
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- 20:10:28:121 All other, category 3 -- All other customer services expense -- Apportionment.
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- 20:10:28:123 Executive and planning, account 6710 -- General and administrative, account
6720 -- Assignment of expenses.
- 20:10:28:124 Operating taxes, account 7200 -- Included taxes.
- 20:10:28:125 Apportionment procedures for operating taxes.
- 20:10:28:126 Equal access -- Included expenses.
- 20:10:28:127 Reserves and deferrals -- Accounts.
- 20:10:28:128 Accumulated depreciation, account 3100 -- Separation of amounts.
- 20:10:28:129 Accumulated depreciation, property held for future telecommunications use,
account 3200 -- Apportionment.
- 20:10:28:130 Accumulated amortization, tangible, account 3400 -- Accumulated
amortization, intangible, account 3500 -- Accumulated amortization, other,
account 3600 -- Apportionment.
- 20:10:28:131 Net current deferred operating income taxes, account 4100 -- Net noncurrent
deferred operating income taxes, account 4340 -- Apportionment.

20:10:28:45. Information origination/termination equipment. Information origination/termination equipment is maintained in account 2310 and includes station apparatus, embedded customer premises wiring, large private branch exchanges, ~~public telephone terminal equipment~~, and other terminal equipment, except for public telephone terminal equipment.

Source: 19 SDR 111, effective January 31, 1993.

General Authority: SDCL 49-1-11, 49-31-5, 49-31-18.

Law Implemented: SDCL 49-31-18.

Cross-References: Information origination/termination, 47 C.F.R. § 32.2310 (1991); Information origination/termination equipment, general, 47 C.F.R. § 36.141(a) (1991).

20:10:28:47. Other information origination/termination equipment -- Category 1 -- Included equipment -- Allocation of cost. Other information origination/termination equipment, category 1, includes the cost of other information origination/termination equipment not assigned to category 2. The cost of other information origination/termination equipment, excluding coinless pay telephone terminal equipment, is allocated pursuant to the factor that is used to allocate subcategory 1.3 exchange line cable and wire facilities. ~~If amounts of coinless pay telephone equipment are material, the cost of such equipment is separately identified and allocated on the basis of relative intrastate minutes of use for toll and other services.~~

Source: 19 SDR 111, effective January 31, 1993.

General Authority: SDCL 49-1-11, 49-31-5, 49-31-18.

Law Implemented: SDCL 49-31-18.

Cross-References: Categories and apportionment procedures, 47 C.F.R. § 36.142(a) (1991).

20:10:28:105. Telephone operator services -- Included expenses -- Apportionment of expenses. Telephone operator services expenses include costs incurred for operators in call completion services and number services. This includes intercept, quoting rates, directory information, time charges, and all other operator functions performed in the central office and private branch exchange and at public telephone stations. Expenses associated with pay telephone services are not included.

Expenses in this classification are apportioned among the operations based on the relative number of weighted standard work seconds as determined by analysis and study for a representative period.

Source: 19 SDR 111, effective January 31, 1993.

General Authority: SDCL 49-1-11, 49-31-5, 49-31-18.

Law Implemented: SDCL 49-31-18.

Cross-Reference: Telephone operator services, 47 C.F.R. § 36.374(a)(b) (1991).

20:10:28:108. All other, category 1 -- Local business office expense -- Subcategories.

The intrastate expenses in all other, category 1, local business office expenses, except coin collection and administration, are segregated into the following subcategories based on an analysis of job functions:

- (1) End user service order processing;
- (2) End user payment and collection;
- (3) End user billing inquiry;
- (4) Interexchange carrier service order processing;
- (5) Interexchange carrier payment and collection;
- (6) Interexchange carrier billing inquiry.

~~(7) Coin collection and administration.~~

Source: 19 SDR 111, effective January 31, 1993.

General Authority: SDCL 49-1-11, 49-31-5, 49-31-18.

Law Implemented: SDCL 49-31-18.

Cross-References: Category 1, local business office expense, 47 C.F.R. § 36.377(a) (1991).

~~20:10:28:115. Coin collection and administration -- Included expenses -- Assignment of expenses. Coin collection and administration includes expenses for the collection and counting of money deposited in public or semipublic phones. It also includes expenses incurred for required travel, coin security, checking the serviceability of public or semipublic telephones, and related functions. These expenses are assigned to toll and other services based on revenues deposited in public and semipublic phones.~~

~~**Source:** 19 SDR 111, effective January 31, 1993.~~

~~**General Authority:** SDCL 49-1-11, 49-31-5, 49-31-18.~~

~~**Law Implemented:** SDCL 49-31-18.~~

~~**Cross-References:** Category 1, local business office expense, 47 C.F.R. § 36.377(a) (1991).~~

20:10:28:117. Message processing -- Included expenses -- Subcategories --
Assignment of subcategories. Message processing expense includes the salary and machine expense of data processing equipment, including supervision, general accounting administrative, and miscellaneous expense, associated with the processing of individual toll tickets and local message tickets. Expenses associated with pay telephone services are not included. The term

ticket denotes either a ticket prepared manually by an operator or the mechanized equivalent of such a ticket processed by the revenue accounting office.

Based on the relative number of messages, message processing expenses are assigned to the subcategories of toll ticket processing expense and local message processing expense. Intrastate toll ticket processing expense is assigned to toll services. Local message processing expense is assigned to the other services operation.

Source: 19 SDR 111, effective January 31, 1993.

General Authority: SDCL 49-1-11, 49-31-5, 49-31-18.

Law Implemented: SDCL 49-31-18.

Cross-References: Category 2, customer services (revenue accounting), 47 C.F.R. § 36.378(c) (1991); Message processing expense, 47 C.F.R. § 36.379(a)(b) (1991).

20:10:28:118. Other billing and collecting -- Included expenses -- Segregation into services -- Assignment of service expenses. Other billing and collecting includes the salary expense, including supervision, general accounting administrative, and miscellaneous expense, associated with the preparation of customer bills other than carrier access charge bills and with other revenue accounting functions not covered in § 20:10:28:117. Included in this classification are the expenses incurred in the preparation of monthly bills, initial and final bills, the application of service orders to billing records (establishing, changing, or discontinuing customers' accounts), station statistical work, controlling record work, and the preparation of revenue reports.

The expenses assigned to this classification are segregated based on the relative number of users of message toll telephone and telegram services excluding semipublic where tolls are not itemized on the bill, exchange including semipublic, directory advertising, and private line

services, as determined by analysis for a representative period. In determining the number of users, an individual customer is counted once for each class of service which it uses; for example, a majority of customers are counted both as message toll telephone and telegram users and as exchange users.

Service expenses, except for expenses associated with pay telephone services, are assigned as follows:

(1) Expense allocated to message toll telephone and telegram users is assigned to toll services;

(2) Expense allocated to exchange, including semipublic users, and to directory advertising users is assigned to other services;

(3) Expense allocated to private line services users is assigned to toll and other services based on use.

Source: 19 SDR 111, effective January 31, 1993.

General Authority: SDCL 49-1-11, 49-31-5, 49-31-18.

Law Implemented: SDCL 49-31-18.

Cross-Reference: Other billing and collecting expense, 47 C.F.R. § 36.380(a)(b) (1991).

20:10:29:14. Equal access -- Assignment of revenue requirements. Intrastate equal access revenue requirements which result when an exchange carrier ~~voluntarily elects to convert~~ converts a local exchange switch to provide feature group D service substantially equivalent to access provided for message toll service or wide area telephone service are assigned to the local switching element.

Source: 19 SDR 111, effective January 31, 1993.

General Authority: SDCL 49-1-11, 49-31-5, 49-31-18.

Law Implemented: SDCL 49-31-18.

Cross-References: Definitions, § 20:10:27-01; Equal access, 47 C.F.R. § 69.107 (1991).

20:10:29:20. Information origination/termination equipment -- Assignment of investment. Investment in public telephones and appurtenances ~~is assigned to the common line element if the public telephones are capable of use with the services of more than one interexchange carrier.~~ are not assigned to any of the switched access elements.

Source: 19 SDR 111, effective January 31, 1993.

General Authority: SDCL 49-1-11, 49-31-5, 49-31-18.

Law Implemented: SDCL 49-31-18.

Cross-References: Information origination/termination equipment, 47 C.F.R. § 69.303(a) (1991).

20:10:29:34. Apportionment of plant-specific operations expenses in accounts 6310 and 6410. Plant-specific operations expenses in accounts 6310 and 6410, excluding expenses incurred to provision pay telephone service, are assigned to the applicable investment category and are apportioned among the interexchange category, the special access category, and switched access elements in the same proportions as the total associated investment.

Source: 19 SDR 111, effective January 31, 1993.

General Authority: SDCL 49-1-11, 49-31-5, 49-31-18.

Law Implemented: SDCL 49-31-18.

20:10:29:43. Assignment of local business office expenses in account 6620. Local business office expenses in account 6620, excluding expenses incurred to provision pay telephone service, are assigned as follows:

(1) End user service order processing expenses attributable to presubscription are apportioned among the carrier common line, local switching, and transport elements in the same proportions as the investment apportioned to those elements pursuant to ☐ 20:10:29:30:

(2) End user service order processing, payment and collection, and billing inquiry expenses attributable to the company's own intrastate private line and special access service are assigned to the special access category;

(3) End user service order processing, payment and collection, and billing inquiry expenses attributable to intrastate private line service offered by an interexchange carrier are assigned to the billing and collection category;

(4) End user service order processing, payment and collection, and billing inquiry expenses attributable to the company's own intrastate message toll service are assigned to the interexchange category. End user service order processing, payment and collection, and billing inquiry expenses attributable to intrastate message toll service offered by an interexchange carrier are assigned to the billing and collection category;

(5) Interexchange carrier service order processing, payment and collection, and billing inquiry expenses attributable to private lines and special access are assigned to the special access category;

(6) Interexchange carrier service order processing, payment and collection, and billing inquiry expenses attributable to intrastate switched access are apportioned among the common

line, local switching, and transport elements in the same proportion as the investment apportioned to those elements pursuant to □ 20:10:29:30;

(7) Interexchange carrier service order processing, payment and collection, and billing inquiry expenses attributable to billing and collection service are assigned to the billing and collection category;

~~(8) Coin collection and administration expenses attributable to public telephones which can access the services of more than one interexchange carrier are assigned to the coin-on-line element.~~

Source: 19 SDR 111, effective January 31, 1993.

General Authority: SDCL 49-1-11, 49-31-5, 49-31-18.

Law Implemented: SDCL 49-31-18.

Cross-References: Services, 47 C.F.R. □ 32.6620 (1991); Local business office expenses in account 6620, 47 C.F.R. □ 69.406(a) (1991).

CHAPTER 20:10:32

LOCAL EXCHANGE SERVICE COMPETITION

Section

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20:10:32:01. Definitions. Terms used in this chapter that are defined in SDCL 49-31-1 have the same meaning. In addition, the following terms used in this chapter mean:

(1) "Alternative local service provider," a telecommunications company which seeks to provide or is providing local exchange services in competition with an incumbent local exchange carrier;

(2) "Incumbent local exchange carrier," a local service provider falling within the definition prescribed under 47 U.S.C. § 251(h) (September 10, 1998);

(3) "Local service provider," a telecommunications company which seeks to provide or is providing local exchange services in South Dakota pursuant to a certificate of authority granted by the commission, including both incumbent local exchange carriers and alternative local service providers;

(4) "Resale," the practice of purchasing local exchange services from another local service provider and reselling the services on a retail basis to end user customers;

(5) "Reseller," a local service provider that provides local exchange services to end users through resale without using its own network facilities or the unbundled network elements of a local exchange carrier.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-69, 49-31-76.

20:10:32:02. Certificate of authority required to provide local exchange service. A certificate of authority for local exchange service obtained pursuant to this chapter applies only to the service area designated in the application for certification, subject to any further limitations that may be imposed by the commission pursuant to statute or this chapter. A telecommunications company may not provide local exchange service in an area for which it does not have a valid certificate of authority without first obtaining an amended certificate of authority from the commission applicable to the area into which the company proposes to expand. A certificate of authority to provide local exchange services may include authority to provide such services through the resale of a local exchange carrier's services, the purchase of a local exchange carrier's network elements, or the use of the applicant's own facilities.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-69, 49-31-76.

20:10:32:03. Certificate of authority for local exchange service -- Application requirements. Telecommunications companies required to apply for a certificate of authority for local exchange services from the commission shall submit a written application including the following information:

(1) The applicant's legal name, address, telephone number, facsimile number, e-mail address, and whether applicant is a sole proprietorship, partnership, corporation, limited liability corporation, or limited liability partnership;

(2) If a sole proprietorship, the full name and business address of its owner; if a partnership, the full name and business address of each partner; if a corporation, a listing of the

full names and business addresses of the corporate officers and directors; or, if a limited liability company, the full names and business addresses of each member;

(3) The name under which applicant will provide local exchange services if different than its legal name;

(4) If a corporation:

(a) The location of its principal office, if any, in this state and the name and address of its current registered agent;

(b) A list of shareholders owning twenty percent or more of the interest in the business;

(c) The state in which the applicant is incorporated, the date of incorporation, and a copy of its certificate of incorporation; and

(d) If it is an out-of-state corporation, a copy of its certificate of authority to transact business in South Dakota from the Secretary of State;

(5) A description of the applicant's business history, including:

(a) When the business was first organized, the dates of any subsequent reorganizations, the nature of the business, and the date the applicant started providing any telecommunications services; and

(b) The applicant's experience providing any telecommunications services in South Dakota or in other jurisdictions, including the types of services provided, and the dates and nature of state or federal authorization to provide the services;

(6) Names and addresses of applicant's affiliates, subsidiaries, and parent organizations, if any;

(7) A list and specific description of the types of services the applicant seeks to offer and the means by which the services will be provided including:

- (a) Information indicating the classes of customers the applicant intends to serve;
- (b) Information indicating the extent to and time-frame by which applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale;
- (c) A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers; and
- (d) Information identifying the types of services it seeks authority to provide by reference to the general nature of the service;

(8) If the applicant intends to construct facilities to provide its local exchange services, a description of the facilities, the date construction of the facilities will begin, and the anticipated completion date;

(9) A service area map and narrative description indicating with particularity the geographic area proposed to be served by the applicant and a narrative delineating specifically the areas where the applicant is prepared to provide service in the near future;

(10) Information regarding the technical competence of the applicant to provide its proposed local exchange services including:

- (a) A description of the education and experience of the applicant's management personnel who will oversee the provision of the proposed local exchange services; and

(b) Information regarding policies, personnel, or arrangements made by the applicant which demonstrates the applicant's ability to respond to customer complaints and inquiries promptly and to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements;

(11) Information explaining how the applicant will provide customers with access to emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services;

(12) Financial information detailing financial resources that will support provisioning of the proposed local exchange service in a manner that ensures continued quality of telecommunications services and safeguards consumer and public interest including:

(a) For the most recent 12 month period, financial statements consisting of balance sheets, income statements, and cash flow statements; and

(b) If a public corporation, the applicant's latest annual report and report to stockholders;

(13) Information detailing the following matters associated with interconnection to provide proposed local exchange services:

(a) The identity of all local exchange carriers with which the applicant plans to interconnect;

(b) The likely timing of initiation of interconnection service and a statement as to when negotiations for interconnection started or when they are likely to start;

and

(c) A copy of any request for interconnection made by the applicant to any local exchange carrier;

(14) A tariff or price list indicating the prices, terms, and conditions of each contemplated local service offering;

(15) Cost support for rates shown in the company's tariff or price list for rate or price regulated noncompetitive or emerging competitive services;

(16) A detailed description of how the applicant intends to market its local exchange services, the qualifications of its marketing personnel, its target market, whether the applicant engages in multilevel marketing, and copies of any company brochures that will be used to assist in sale of the services;

(17) If the applicant is seeking authority to provide local exchange service in the service area of a rural telephone company, the date by which the applicant expects to meet the service obligations imposed pursuant to § 20:10:32:16 and applicant's plans for meeting the service obligations;

(18) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable;

(19) The names, addresses, telephone numbers, e-mail addresses, and facsimile numbers of the applicant's representatives to whom all inquiries should be made regarding customer complaints and other regulatory matters;

(20) Information detailing how applicant plans to bill for and collect charges from customers who subscribe to its proposed local exchange services;

(21) Information concerning the applicant's policies relating to solicitation of new customers, including all telemarketing scripts used by the applicant and its third party verifier, and a description of the efforts that will be made to prevent unauthorized switching of local service customers by the applicant, its employees, or agents;

(22) The number and nature of complaints filed against the applicant with any state or federal commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;

(23) A written request for waiver of those rules believed to be inapplicable; and

(24) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the local exchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

However a telecommunications company serving less than fifty thousand local exchange subscribers is not required to file cost support information. Tariffs shall be filed for informational purposes only.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-69, 49-31-76.

20:10:32:04. Notice to other local exchange carriers in proposed service area --

Intervenor status. The applicant shall give notice of its application to each telecommunications company that already holds a certificate of authority to provide local exchange service in the

geographic area where the applicant seeks to provide local exchange service. In addition, the commission shall, upon request, grant each of the already certified telecommunications companies intervenor status in any commission proceeding held on the application. The request for intervention submitted by any such company need not meet the requirements for petitions to intervene set forth in chapter 20:10:01.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-70, 49-31-76.

20:10:32:05. Opportunity for hearing -- Burden of proof. The applicant and other parties to the application may request a hearing on the application for a certificate of authority to provide local exchange services. In the application proceeding, the telecommunications company filing the application shall have the burden of proving that it has sufficient technical, financial, and managerial capabilities to provide the local exchange services applied for consistent with the requirements of this chapter and other applicable laws, rules, and commission orders.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-71, 49-31-76.

20:10:32:06. Rejection of incomplete application -- Decision criteria for granting a certificate of authority. A certificate of authority to provide local exchange service may not be granted unless the applicant establishes sufficient technical, financial, and managerial ability to provide the local exchange services described in its application consistent with the requirements of this chapter and other applicable laws, rules, and commission orders. If an application is

incomplete, inaccurate, false, or misleading, the commission shall reject the application. In determining whether an applicant has sufficient technical, financial, and managerial capabilities and whether a certificate of authority for local exchange services should be granted the commission shall consider:

(1) Whether the applicant has an actual intent to provide local exchange services in South Dakota;

(2) Prior experience of the applicant or the applicant's principals or employees in providing telecommunications services or related services in South Dakota or other jurisdictions, including the extent to which that experience relates to and is comparable to service plans outlined in the filed application;

(3) The applicant's personnel, staffing, equipment, and procedures, including the extent to which these are adequate to ensure compliance with the commission's rules and orders relating to service obligations, service quality, customer service, and other relevant areas;

(4) The nature and location of any proposed or existing facilities which the applicant intends to use in providing local exchange services, including the extent to which those facilities are capable of providing the services described in the application consistent with any applicable regulation;

(5) If the applicant intends to resell local exchange services or enter into facility arrangements with other telecommunications carriers, when the necessary arrangements will be in place and whether they will be adequate to deliver the services described in the application consistent with any applicable regulation;

(6) The applicant's marketing plans and its plan and resources for receiving and responding to customer inquiries and complaints;

(7) Whether the applicant has sufficient financial resources to support the provisioning of local exchange service in a manner that ensures the continued quality of telecommunications services and safeguards consumer and public interests;

(8) The applicant's cash reserves and extent to which those reserves are sufficient to meet startup expenses, working capital requirements, and other expected immediate capital expenditures;

(9) The applicant's business or owner equity;

(10) The applicant's long-term debt to capitalization ratio;

(11) The applicant's return-on-assets ratio;

(12) Whether the applicant, in providing its local exchange services, will be able to provide all customers with access to interexchange services, operator services, directory assistance, directory listings, and emergency services such as 911 and enhanced 911;

(13) If the applicant is seeking authority to provide local exchange services in the service area of a rural telephone company, whether the applicant's plans for meeting the additional service obligations imposed in rural telephone company service areas pursuant to § 20.10.32.16 are adequate and demonstrate that the applicant will in fact meet such obligations;

(14) The extent to which the applicant, applicant's affiliates, or applicant's principals have been subject to any civil, criminal, or administrative action in connection with the provisioning of telecommunications services; and

(15) Any other factors relevant to determining the applicant's technical, financial, and managerial capability to provide the services described in the application consistent with the requirements of this chapter and other applicable laws, rules, and commission orders.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-71, 49-31-76.

20:10:32:07. Certification subject to commission imposed terms and conditions. In addition to the requirements imposed by this chapter on providers of local exchange services, the commission, in granting a certificate of authority to provide local exchange services, may impose additional terms and conditions, on a competitively neutral basis, that it finds necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of service, and safeguard the rights of consumers.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-71, 49-31-76.

20:10:32:08. Sale, assignment, lease, or transfer of certificate of authority. In ruling on any proposed sale, assignment, lease, or transfer of a certificate of authority to provide local exchange services, the commission shall consider the criteria set forth in § 20:10:32:06.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-71, 49-31-76.

20:10:32:09. Suspension or revocation of certificate of authority. Failure of any provider of local exchange service to comply with applicable requirements set forth in this chapter, other terms and conditions imposed on its certification by the commission, or other applicable rules or laws may result in the suspension or revocation of the provider's certificate of authority to provide local exchange services.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-75, 49-31-76.

20:10:32:10. Service obligations of all providers. All telecommunications companies providing local exchange services shall, at minimum, make the following available to each customer:

- (1) Access to the public switched network;
- (2) Access to emergency services such as 911 or enhanced 911;
- (3) Access to a local directory and directory assistance;
- (4) Access to operator services;
- (5) Telecommunications relay service capability or access necessary to comply with state and federal regulations;
- (6) Nonpublished service upon written or verbal request of the customer; and
- (7) Access to interexchange services.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-75, 49-31-76.

20:10:32:11. Local calling scope for alternative providers. A telecommunications company that is granted authority to offer competitive local exchange services in an area where the incumbent local exchange carrier provides a certain local calling area shall provide no less than the same local calling area to its customers. An alternative provider of local exchange services may, subject to commission approval, offer a different local calling area upon showing that it would not be contrary to universal service, public safety and welfare, quality of service, and consumer rights concerns.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-71, 49-31-76.

20:10:32:12. Prohibition of discrimination. Providers of local exchange service shall provide service on a nondiscriminatory basis consistent with the provisions of SDCL 49-31-11.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-71, 49-31-76.

20:10:32:13. Annual reporting requirements. After a telecommunications company has received a certificate of authority to provide local exchange services from the commission, the company shall submit by June 1 of each year thereafter the following information:

(1) A report of its annual revenues from the preceding year resulting from operations in South Dakota, as attributed to major service categories such as private line and special access, business local exchange, residential local exchange, measured interexchange, and vertical services;

(2) A current financial statement and a statement of any changes in the financial position of the telecommunications company relating to operations of the company in South Dakota;

(3) A report identifying specifically the areas within its service area in the state where the company is operational and actually providing local exchange services. The report should separately identify areas being served primarily through resale and areas served by facilities of the company;

(4) A list of the local exchange services offered to customers;

(5) The number of access lines being served, segregated between business and residential local exchange customers;

(6) A list of current officers and responsible contact personnel; and

(7) Information relating to any significant change in organizational structure or ownership.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-71, 49-31-76.

20:10:32:14. Discontinuance of service. A provider of local exchange service shall not discontinue service or abandon all or a portion of its service area unless another provider of local exchange services certified for that area will be able to provide basic local service to the abandoning provider's customers immediately upon the date such provider discontinues service. No later than 60 days prior to discontinuing its service or abandoning all or a portion of its service area, the provider proposing such action shall file a notice with the commission containing the following information:

(1) The reasons for the proposed discontinuance of service or abandonment of service area;

(2) The number of customers affected and written verification that all affected customers have been given at least 30 days notice of the proposed discontinuance or abandonment;

(3) The arrangements made for another local service provider to serve the affected customers;

(4) Where applicable, a plan for the refund of any deposits collected from affected customers; and

20:10:32:16 shall, six months prior to the deadline identified in that section, report to the commission regarding the extent to which it is offering its local exchange services in the relevant rural telephone company areas. The report shall include the following:

(1) Information indicating which portions of the relevant rural telephone company areas, if any, remain non-operational and delineate the local service provider's current plans for meeting the eligible telecommunications carrier service requirements throughout such areas;

(2) Information describing how the local service provider has advertised the availability of the services it is required to offer; and

(3) The current prices, terms, and conditions under which the local service provider is offering the required services, if different from the prices, terms and conditions provided along with its application for a certificate of authority to provide local exchange services.

The commission may require additional information.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-73, 49-31-76.

20:10:32:19. Waiver of eligible telecommunications carrier service requirements. A telecommunications company seeking authority to provide local exchange services in the service area of a rural telephone company may petition the commission for a waiver from having to satisfy the eligible telecommunications service requirements as set forth in 47 U.S.C. § 214(e)(1) (September 10, 1998) and applicable federal regulations. The commission may grant the waiver if, after notice and opportunity for hearing, it is determined by the commission that granting the waiver would not adversely impact universal service, that quality of service would be continued, and that it would otherwise be in the public interest. The telecommunications company

requesting the waiver shall have the burden to prove by a preponderance of the evidence that granting the waiver would be consistent with these standards.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-73, 49-31-76.

20:10:32:20. Failure to meet service obligations -- Grounds for revocation of certificate. The commission shall institute an inquiry into the failure of an alternative local service provider to meet eligible telecommunications carrier service requirements imposed pursuant to § 20:10:32:16. Unless the local service provider demonstrates to the satisfaction of the commission that its failure to make the required services available throughout the relevant area within the required time is the result of factors beyond the provider's control, the commission may revoke or suspend the provider's certificate of authority to provide local exchange services in the rural telephone company service area.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-73, 49-31-75, 49-31-76.

20:10:32:21. Request for negotiations. An incumbent local exchange carrier that receives a request for negotiations pursuant to SDCL 49-31-81 shall notify the commission in writing of the request. The notice must identify the party requesting negotiations and the date of the request.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-81.

20:10:32:22. Submission of negotiated agreement for approval. An agreement for interconnection, network elements, and other telecommunications services negotiated pursuant to SDCL 49-31-81 must be submitted to the commission for approval. The parties to the negotiated agreement shall submit a complete copy of the agreement, including any attachments. The parties shall also submit a summarization of the main provisions of the agreement, including a statement of why the agreement does not discriminate against non-party carriers and is consistent with the public interest, convenience, and necessity.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-81.

20:10:32:23. Submission of written comments on negotiated agreement --

Submission of response. Any person may comment on a negotiated agreement submitted to the commission for approval by filing written comments with the commission and the parties to the agreement no later than 20 days after the agreement is submitted to the commission. Parties to the agreement may file written responses to the comments within 20 days of service of the comments.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-81.

20:10:32:24. Commission decision on negotiated agreement. The commission shall enter an order approving or rejecting the negotiated agreement within 90 days from the date the commission received the agreement.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-81.

20:10:32:25. Request for mediation. A party may request mediation by the commission at any point during negotiations held pursuant to SDCL 49-31-81. The parties to the negotiation may file a joint request for mediation. A mediation request shall be in writing and shall include the following information:

- (1) The identity of the parties to the negotiation, including the name, address, and telephone and facsimile numbers of the parties or their representatives;
- (2) The date on which the request for negotiation was made;
- (3) A list of the issues to be mediated; and
- (4) A proposed time schedule for the mediation, including a date by which the mediation should be terminated if an agreement is not reached.

The party requesting mediation shall serve the request on the other party or parties to the negotiation.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-81.

20:10:32:26. Response to request for mediation. Any negotiating party that did not file a mediation request shall file with the commission a written response to the mediation request within ten days after being served the request. The response shall be served on the other parties to the negotiation. The response shall indicate whether the party is willing to participate in mediation.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-81.

20:10:32:27. Mediation conducted by commission staff. If a party requests mediation, the commission staff members will conduct the mediation. Any commission staff members acting as mediators will not participate in any subsequent arbitration or approval process for the same agreement unless all parties to the negotiations consent.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-81.

20:10:32:28. Statement of issues. Within five business days after commission staff members are appointed as mediators, the parties shall provide to the mediators a statement of each party's position and relevant background information, including a list of all issues raised in the negotiations for which mediation is sought and a list of all issues the parties have resolved through negotiation.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-81.

20:10:32:29. Confidentiality of mediation -- Settlement proposals. Commission staff mediators shall keep confidential all information and records obtained in conducting the mediation. Only the parties to the negotiation may attend the mediation session unless all parties consent to the presence of others. Commission staff mediators may not impose a settlement, but may offer proposals for settlement.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-81.

20:10:32:30. Petition for arbitration -- Response to petition. Any party to negotiations requested pursuant to SDCL 49-31-81 may petition the commission to arbitrate any unresolved issues. The petition for arbitration must include the following:

- (1) The identity of the parties to the negotiation, including the name, address, and telephone and facsimile numbers of the parties or their representatives;
- (2) The date of the initial request for negotiation;
- (3) A detailed list of all the unresolved issues the party or parties want the commission to arbitrate and the position of each party on those issues;
- (4) A list of the issues resolved by the parties, including a copy of any proposed contract language that reflect the resolution of those issues;
- (5) A list of the unresolved issues, if any, that are not being submitted for arbitration;
- (6) Any proposed contract language reflecting the parties' positions; and
- (7) All documentation in the petitioner's possession or control that is relevant to the dispute.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-81.

20:10:32:31. Response to petition for arbitration. A non-petitioning party may respond to the petition for arbitration and provide additional information within 25 days after the commission receives the petition.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-81.

20:10:32:32. Arbitration conducted as a contested case -- Prehearing conference. A petition for arbitration shall be conducted as a contested case. Within 30 days of receiving a petition for arbitration, the commission may hold a prehearing conference.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-81.

20:10:32:33. Commission decision on petition for arbitration. The commission shall issue a written decision that resolves each issue set forth in the petition for arbitration no later than 90 days after the date on which the incumbent local exchange carrier received the request for negotiations.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-81.

20:10:32:34. Commission approval of arbitrated agreement. An arbitrated agreement shall be submitted to the commission for approval within 30 days after the issuance of the commission's decision on the petition for arbitration, unless good cause is shown to extend the 30 day time period. The request for approval of an arbitrated agreement must set forth each party's position as to whether the agreement should be adopted or modified and contain a separate explanation by each party of whether the agreement meets each of the specific requirements of 47 U.S.C. §§ 251 and 252 (September 10, 1998).

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-81.

20:10:32:35. Submission of written comments on arbitration agreement --

Submission of response. Any person may comment on the parties' request for approval of an arbitrated agreement by filing written comments with the commission and the parties to the agreement no later than five business days after the agreement is submitted to the commission. Parties to the agreement may file written responses to the comments within five business days of service of the comments.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-81.

20:10:32:36. Commission decision on arbitrated agreement. The commission shall enter an order approving or rejecting the arbitrated agreement within 30 days after submission of the agreement by the parties.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-81.

20:10:32:37. Commission decision on agreement containing both arbitrated and negotiated provisions -- Submission of separate agreements. An agreement containing both arbitrated and negotiated provisions must clearly identify which sections were negotiated and which were arbitrated. Agreements containing both arbitrated and negotiated provisions will be treated as arbitrated agreements with respect to the comment timelines and the 30 day approval deadline. Except for the timelines, the negotiated sections shall comply with the provisions

negotiated or the approval of negotiated agreements. The arbitrated sections shall comply with the provisions relating to the approval of arbitrated agreements, including the timelines. In the alternative, the parties may submit negotiated and arbitrated agreements separately for approval.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-81.

2010-31-34. Rural exemption from negotiation and interconnection requirements.

Pursuant to 47 U.S.C. § 231(f)(1) (September 10, 1998), the obligations of an incumbent local exchange carrier, which include the duty to negotiate and provide interconnection, unbundled network elements, make notice of changes to its facilities or networks, and collocation, do not apply to a rural telephone company, unless the company has received a bona fide request for interconnection, services, or network elements and the commission determines that the rural telephone company shall fulfill the request. A provider of telecommunication services seeking interconnection, services, or network elements from a rural telephone company, subject to the exemption established by 47 U.S.C. § 251(f)(1) (September 10, 1998), shall provide the company with a bona fide request for such interconnection, services, or network elements. The bona fide request shall be in writing and shall detail the specifics of the request. The bona fide request shall, at minimum, include the requesting provider's best reasonable estimate of the following information concerning the interconnection, services, or network elements requested:

- (1) A technical description of the requested meet points or, in the alternative, the requested points of collocation;

- (2) The type of collocation (physical or virtual) requested and, if physical collocation is requested, an estimate of the amount of partitioned space required, as well as DC power and environmental conditioning requirements;
- (3) A technical description of any requested interface;
- (4) The requested reciprocal compensation arrangement for transport and termination of local traffic;
- (5) A technical description of any required unbundled network elements;
- (6) Any requested access to the poles, ducts, conduits, and rights-of-way owned or controlled by the providing carrier;
- (7) Any requested white pages directory listings;
- (8) Any requested access to 911, enhanced 911, directory assistance, operator call completion service, and any required dialing parity capability;
- (9) Whether telephone numbers are requested;
- (10) The requested methods of interim number portability capability, until long-term number portability is available;
- (11) A list of the required telecommunications services to be offered for resale by the requesting provider, and required operational support systems associated with the resale of these telecommunications services;
- (12) If transit traffic functionality is required, the requested methods of providing that functionality;
- (13) The requested completion date; and
- (14) A list of the requesting provider's contact person for the negotiation process.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-79.

20-10-12:35. Notice to commission of request. Upon making a request to a rural telephone company for interconnection, services, or network elements that are subject to the requirements established by 47 U.S.C. § 251(f)(1) (September 10, 1998), the person or entity making the request shall provide the commission notice of such request. The commission shall determine if the request is a bona fide request. If the request is found to be a bona fide request, the commission shall initiate a proceeding to determine whether the rural telephone company shall comply with the request unless the rural telephone company receiving the request waives its objection.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-79.

20-10-12:40. Petition for suspension or modification of interconnection requirements. A petition for suspension or modification of the requirements set forth in 47 U.S.C. § 251(b) and 251(c) (September 10, 1998) shall include:

(1) The legal name, address, and telephone number of the local exchange carrier and its designated contact person;

(2) The number of subscriber lines the local exchange carrier has nationwide, at the holding company level;

(3) A description of the obligations the local exchange carrier seeks to suspend or modify, including specific references to the relevant provisions found in 47 U.S.C. §§ 251(b) or 251(c) (September 10, 1998);

(4) A detailed description of the suspensions or modifications the local exchange carrier is seeking, including the proposed duration of each suspension or modification;

(5) The proposed effective date of each suspension or modification sought by the local exchange carrier;

(6) A statement supporting the petition indicating why the requested suspensions or modifications meet the standards for granting suspensions or modifications as set forth in SDCL 49-31-80; and

(7) A statement as to whether the local exchange carrier requests the commission to grant a temporary stay, as provided for in SDCL 49-31-80, of the obligations the carrier seeks to suspend or modify.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-80.

20:10:32:41. Copy of petition to affected local service providers. A copy of the petition for suspension or modification of interconnection requirements shall be served upon each local service provider to which the requested suspensions or modifications would likely apply.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-80.

20:10:32:42. Timeline for reviewing petition. The commission shall take final action on any petition for suspension or modification made pursuant to 47 U.S.C. § 251(f)(2) (September 10, 1998) within 180 days after the petition is filed.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-80.

26-10:32-43. Designation of eligible telecommunications carriers. The commission may, on its own motion or upon request shall designate a local service provider which meets the requirements of 47 C.F.R. § 54.201 (September 10, 1998) to serve as an eligible telecommunications carrier within each service area of the state. Upon request and consistent with the public interest, convenience, and necessity, the commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one local service provider as an eligible telecommunications carrier for a service area designated by the commission, so long as each additional requesting carrier meets the requirements of 47 C.F.R. § 54.201 (September 10, 1998). The commission may not, in an area served by a rural telephone company, designate more than one eligible telecommunications carrier absent a finding that the additional designation would be in the public interest. In reviewing any proposed additional eligible telecommunications carrier designation within an area served by a rural telephone company, the commission shall not find it to be in the public interest if the provider requesting such designation is not offering its services coextensive with the rural telephone company's service area.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-78.

26-10:32-44. Eligible telecommunications carrier petitions. A local service provider that desires designation as an eligible telecommunications carrier shall file a petition for such

designation with the commission. The petition for designation shall include the following information:

(1) The legal name, address, and telephone number of the local service provider and its designated contact person

(2) The proposed effective date of designation of eligible telecommunications carrier status.

(3) Identification of the service area for which the designation is sought;

(4) A statement supporting the petition which specifies why the requested designation satisfies the requirements for eligible telecommunications designation and receiving federal universal service support under 47 C.F.R. § 54.201 (September 10, 1998);

(5) Whether the provider is seeking a waiver of any eligible telecommunications carrier service requirements pursuant to 47 C.F.R. § 54.101 (September 10, 1998), the specific reasons for the waiver, and the length of time for which the waiver is requested; and

(6) If the local service provider is requesting designation in an area served by a rural telephone company and the rural company has already been designated an eligible telecommunications carrier, a statement which specifies why its proposed additional designation would be in the public interest.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-78.

20:10:32:45. Existing eligible telecommunications carrier designations not affected.

Eligible telecommunications carrier designations granted by the commission prior to the effective date of these rules shall remain in full force and effect.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-78.

20:10:32:46. Determining the applicable service area. The commission decision on a request for designation as an eligible telecommunications carrier must include a determination of the applicable service area. In the case of a service area served by a rural telephone company, "service area" means such company's "study area" unless and until the commission and the Federal Communications Commission establish a different definition of service area for such company. If the commission proposes to define the service area served by a rural telephone company to be other than such company's study area, the commission shall, consistent with 47 C.F.R. § 54.207 (September 10, 1998), petition the Federal Communications Commission for its approval prior to making any such change.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-78.

20:10:32:47. Copy of petition to other eligible telecommunications carriers. A local service provider filing a petition for designation as an eligible telecommunications carrier shall, at the time of filing its petition with the commission, provide a copy of the same to any other local service providers that are serving as eligible telecommunications carriers within the relevant service area.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-78.

20:10:32:48. Designation of eligible telecommunications carrier for unserved areas.

If no local service provider will provide the services that are supported by universal service to an unserved community or any portion thereof that requests such service, the commission may determine which local service provider or providers would be best able to provide such service to the requesting unserved community or portion thereof and order such provider or providers to provide service to the unserved community or portion thereof. Any provider ordered to provide service under this section shall meet the requirements of 47 C.F.R. § 54.201 (September 10, 1998) and shall be designated an eligible telecommunications carrier for that community or portion thereof.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-78.

20:10:32:49. Relinquishment of eligible telecommunications carrier status. A local service provider may relinquish its eligible telecommunications carrier designation and accompanying universal service obligations as provided for below:

(1) A local service provider seeking to relinquish its eligible telecommunications carrier designation shall file a petition with the commission specifying the service area for which it seeks to relinquish its designation and the identity of any other eligible telecommunications carriers serving the service area. At the time of filing, a copy of the petition shall also be provided to all other local service providers serving the area for which the petitioner seeks to relinquish its eligible telecommunications carrier designation;

(2) The commission may permit a local service provider to relinquish its eligible telecommunications carrier designation if at least one other eligible telecommunications carrier serves the area for which the relinquishment is sought;

(3) The petitioning local service provider shall continue to meet its eligible telecommunications carrier obligations for the entire area for which it seeks to relinquish those obligations until the date specified in the commission's order approving the relinquishment; and

(4) Prior to permitting a local service provider designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the commission shall ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-78.

20:10:32:50. Revocation of eligible telecommunications carrier status. Upon finding that any local service provider designated as an eligible telecommunications carrier does not qualify as an eligible telecommunications carrier under 47 C.F.R. § 54.201 (September 10, 1998) and should not be entitled to federal universal service support, the commission shall revoke the local service provider's eligible telecommunications carrier designation.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-76, 49-31-78.

20:10:32:51. Monitoring of competitive local exchange services. The commission shall monitor the effectiveness of the regulatory requirements prescribed in this chapter to ensure that local service competition occurs in a manner that is consistent with preserving and advancing universal service, protecting the public safety and welfare, ensuring the continued quality of service, and safeguarding the rights of affected consumers. The commission reserves the right to impose additional requirements by order or rulemaking that may be necessary to meet these objectives.

Source:

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-71, 49-31-76.

CHAPTER 20:10:33

SERVICE STANDARDS FOR TELECOMMUNICATIONS COMPANIES

Section

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20:10:33:01. Definitions. Terms defined in SDCL 49-31-1 have the same meaning in this chapter. In addition, terms used in this chapter mean:

- (1) "Bit," the transmission of telecommunications signals or intelligence in binary form;
- (2) "Bits per second," the number of bits passing a specific point per second;
- (3) "Busy hour," the hour of the day when the number of calls carried on the telecommunications company's network is the highest;
- (4) "dBmC," a ratio expressed in decibels above reference noise;
- (5) "Decibel (dB)," a unit of measure of signal strength depicting the relation between a transmitted signal and a standard signal source;
- (6) "Hertz," a measurement of frequency in cycles per second; a hertz is one cycle per second; and
- (7) "Reference noise," a reference level of noise power.

Source:

General Authority: SDCL 49-31-77, 49-31-85

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85

20:10:33:02. Level of service provided by local exchange companies. A local exchange company shall furnish and maintain adequate and reliable plant, equipment, and

facilities to provide satisfactory transmission and reception of telecommunications services among users in its service area.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:03. Level of service applicable to all subscribers within an exchange.

Local exchange access line service furnished by means of line concentrators or subscriber carrier equipment in a given exchange shall be substantially equivalent in technical performance to that furnished to other subscribers in that exchange served by means of normal physical loops.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-84, 49-31-85.

20:10:33:04. Minimum transmission levels for local exchange service. A local exchange company's subscriber loops shall meet the following minimum transmission levels from the subscriber network interface or demarcation point:

(1) Transmission loss from the central office to the subscriber network interface or demarcation point for existing subscriber loops may not exceed 10 dB at 1004 Hertz. All new, upgraded, or replaced subscriber loops may not exceed 8dB at 1004 Hertz;

(2) Loop current shall be above 20 milliamperes;

(3) Total external loop resistance, excluding customer premises equipment, may not exceed the basic range requirement of the terminating electronics. Range extension equipment shall be applied to those subscriber loops that are longer than the basic working range of the terminating electronics;

(4) Circuit noise objective on subscriber loops measured at the subscriber network interface or demarcation point shall be equal or less than 20 dBmC;

- (5) The minimum data rate shall be 14,400 bps;

(6) The frequency response range shall be 300 Hertz to 3,000 Hertz with an amplitude deviation not to exceed four dB;

(7) The power influence level shall be less than 90 dBmC; and

(8) The longitudinal balance shall be greater than 60 dB.

All subscriber loops shall meet these minimum transmission levels by January 1, 2001.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:05. Minimum requirements for new, upgraded, or replaced facilities.

Outside plant, including subscriber loops, constructed, upgraded, or replaced after January 1, 1999, shall be able to provide, as built or with additional equipment, transmission and reception of data at a rate no lower than 1 Mbps. New or replacement switching systems installed after January 1, 1999, shall be capable of providing custom calling features. At a minimum, custom calling features must include call waiting, call forwarding, abbreviated dialing, caller identification, and three-way calling. New or replacement switching systems installed after January 1, 1999, shall also be capable of providing enhanced 911 service.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:06. Minimum requirements for channel capacity. A local exchange company shall maintain sufficient central office and interoffice channel capacity plus other necessary facilities to meet the following minimum requirements during any busy hour:

(1) Dial tone within three seconds for 98 percent of call attempts on the switched network;

(2) Correct termination of 98 percent of properly dialed intraoffice or interoffice calls within an extended service area; and

(3) Correct termination of 98 percent of properly dialed calls when the call is routed entirely over the network of the local exchange company.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:07. Minimum levels of trunking facilities provided by interexchange companies. Interexchange companies shall design, construct, and maintain sufficient trunking facilities so that at least 98 percent of telephone calls offered to the group will not encounter an all-trunks-busy condition and 98 percent of correctly dialed toll calls are correctly terminated. All interexchange companies which use both line and trunk side connections for access shall have sufficient quantities of switched access service from the local exchange company to maintain acceptable blocking probability for each type of access. A .01 blocking probability is acceptable.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:08. Requirements for good engineering practices. The telephone plant of each telecommunications company shall be designed, constructed, installed, maintained, and operated subject to the provisions of applicable electrical safety codes and in accordance with accepted good engineering practices of the telecommunications industry to assure continuity of service, uniformity in the quality of service furnished, and the safety of persons and property.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:09. Requirement for sufficient equipment and adequate personnel. Each telecommunications company shall employ prudent management and engineering practices so that sufficient equipment and adequate personnel are available at all times, including busy hours.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:10. Required documentation to show sufficient equipment and adequate personnel. Each telecommunications company shall conduct traffic studies, employ reasonable procedures for forecasting future service demand, and maintain records necessary to demonstrate to the commission that sufficient equipment is in use and that an adequate operating workforce is provided. However, average schedule companies are not required to conduct traffic studies. The records shall be available for review by the commission upon request.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

10:10:33:11. Assignment of facilities. Each telecommunications company shall employ adequate procedures for assignment of facilities. The assignment records shall be kept up-to-date and checked periodically to determine if adjustments are necessary to maintain proper balance in all trunk and equipment groups. The records shall be available for review by the commission upon request.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:12. Charges for construction of facilities. If required as a condition of a Federal Rural Utilities Service loan, a telecommunications company shall furnish telecommunications services to a customer without payment by the customer of any extra charge as a contribution to the cost of construction of facilities needed to provide the services.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:13. Records of tests and inspections. Records of various tests and inspections shall be kept on file in the office of the telecommunications company for a minimum of two years. These records shall show the plant or equipment tested or inspected, the reason for the test, the general result of the test, and any corrections made. The records shall be available for review by the commission upon request.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:14. Provisioning of adequate and reliable facilities. Each local exchange company shall employ prudent management planning practices, including budgeting and prioritization of resource utilization, so that adequate and reliable facilities are in place to supply service to prospective customers in its service territory.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:15. Survivable networks. All telecommunications interexchange facility networks, with the exception of extended area service routes, must be based upon a fully integrated backbone of interconnected, switched survivable rings. Each switch must be directly connected to a diversely routed, fully protected, survivable ring. Each telecommunications company shall offer diverse routing of all of its dedicated interexchange telecommunications traffic. These requirements shall be met by July 1, 2002.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:16. Program required for testing, inspecting, and maintenance. Each telecommunications company shall adopt a program of periodic tests, inspections, and preventive maintenance aimed at achieving efficient operation of its system to permit at all times the rendering of safe, adequate, and continuous service as recognized by general practices within the telecommunications industry. The programs shall be available for review by the commission upon request.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:17. Repair of plant and equipment. Each telecommunications company shall keep plant and equipment in a good state of repair consistent with safe and adequate service performance. Broken, damaged, or deteriorated parts which do not meet acceptable operating conditions shall be repaired or replaced. Adjustable apparatus and equipment shall be readjusted promptly when found by preventive routines or fault location tests to be in unsatisfactory operating condition. The presence of inductive interference, cut-offs, intelligible cross-talk, and excessive noise generation by communications system facilities during the provisioning of telecommunications services by the company are symptomatic of inadequate service, and a maintenance program shall be designed to minimize or prevent those occurrences.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:18. Leakage, loop resistance, and transmission tests. Each telecommunications company shall do periodic leakage tests on all circuits by use of proper instruments to determine that sufficient insulation is being maintained and to discover any service affecting change in insulation values which might cause future service difficulties. Loop resistance and transmission tests shall be made on local circuits when transmission is found to be poor in an attempt to locate the source of trouble.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:19. Emergency planning. Each telecommunications company shall make reasonable provisions to meet emergencies such as failures of power services, damaged facilities, sudden and prolonged increases in traffic, or from fire, storm, or acts of nature.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:20. Plan required to deal with loss of switch. Each local exchange company shall develop a general contingency plan to prevent or minimize any service interruptions due to the catastrophic loss of a central office switch, toll switching office, or tandem switching office. The plan shall describe the actions and systems installed to prevent or minimize the probability of such an occurrence as well as describe the actions and systems available to minimize the extent of any incurred service interruption. The plan shall be available for review by the commission upon request.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:21. Auxiliary and battery power requirements. Each local central office, toll switching office, or tandem switching office of a local exchange company shall contain a minimum of eight hours of battery reserve rated for peak traffic load requirements. A permanent auxiliary power unit may be utilized to meet this requirement. In central offices and toll tandem switching offices, a permanent auxiliary power unit shall be installed or a mobile power source shall be available which normally can be delivered and connected within four hours. The remote terminating electronics of a local exchange company shall contain a minimum of eight hours of

battery reserve rated for peak traffic load requirements. The batteries shall be tested and reported internally on a regular basis, not to exceed once a year.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:22. Central office alarms. Each central office shall be provided with alarms on a 24 hour, seven day a week basis to indicate improper functioning of telecommunications equipment. All alarms shall be transmitted to an alarm center or to a location that will receive and respond to the alarm condition on a 24 hour, seven day a week basis. All alarms and alarm sensors must be tested and reported internally upon installation of new equipment.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:23. Prevention of access line service interruptions -- Reestablishment of service -- Priority given to customers with medical condition and certain entities. Each local exchange company shall make all reasonable efforts to prevent interruptions of access line service. When interruptions occur, the exchange carrier shall reestablish access line service with the shortest possible delay consistent with the physical conditions encountered, the available work force, and normal safety practices. Priority shall be given to a residential customer who reports to the company that telecommunications service is essential due to an existing medical condition of the customer, a member of the customer's family, or any permanent resident of the premises where service is rendered. Priority shall also be given to entities that report to the

company that telecommunications services are needed to protect the public's health, safety, and welfare.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:24. Maintenance service interruptions -- Notification. Local exchange service interruptions due to maintenance requirements shall be done at a time that causes minimal inconvenience to customers. To the extent possible, customers shall be notified in advance by the local exchange company of extended maintenance requirements.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:25. Records of access line service interruptions. Each local exchange company shall keep a record of all access line service interruptions or acute irregularities of access line service whenever reported to it or whenever the duration of a found access line service interruption exceeds 24 hours. The record shall include appropriate identification of the customer or access line service affected and the date, time, duration, extent, and cause of the interruption. The local exchange company shall furnish reports to the commission upon request and shall inform the commission as soon as possible of any occurrence of an unusual nature which apparently will result in over four hours of interruption of access line service to 50 or more customers.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:26. Reporting of trouble reports. Each local exchange company shall be able to receive trouble reports originated by a customer seven days a week on a 24 hour basis.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:27. Customer trouble reports. When a customer's service is found to be out of order or a customer reports trouble, the local exchange company shall promptly test its facilities to determine if the problem is with the local exchange company's facilities. If it is, the local exchange company shall correct the trouble promptly. There may be no charge to the customer for testing or correcting a problem found on the local exchange company's facilities. If the trouble is found not to be in the local exchange company's facilities, the local exchange company shall notify the customer promptly.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:28. Record of trouble reports. Each local exchange company shall keep a record of trouble reports made by its customers. This record shall include appropriate identification of the customers or access line service affected, the time, date, and nature of the report, the action taken, the date and time of trouble clearance or other disposition, and the identification of the person making final disposition. The records shall be retained by the company for a minimum of two years. The local exchange company shall furnish reports to the commission upon request.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:29. Reporting requirements when 911 service is disrupted or impaired.

Each local exchange company shall, immediately upon discovery, report to each 911 public safety answering point serving the affected local service areas, to the local area news media serving the affected local service areas, and to the commission pertinent information concerning any specific occurrence or development which disrupts or impairs customer access to the 911 service within a given 911 system. In addition, each local exchange company shall provide the public safety answering point, the local area news media, and the commission with a time estimation on when the repair to the 911 system will be completed and the 911 service restored.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:30. Reporting of service disruption or impairment. Each local exchange company shall, within one hour of discovery, report to the local area news media serving the affected local serving areas and to the commission, pertinent information concerning any specific occurrence or development which disrupts or impairs the telecommunications service of a substantial number of the local service area's subscribers (the smaller of 25 percent or 2,000 of the local serving area's access lines) for a time period in excess of one hour.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:31. Standards applicable under normal operating conditions. The standards in this chapter establish the minimum acceptable quality of service under normal operating conditions. They do not establish a level of performance to be achieved during emergencies or catastrophes, nor do they apply to extraordinary or abnormal conditions of operation, such as those resulting from work stoppage, civil unrest, or other events. The rules do not include all criteria and they do not establish the most desirable service level for any basic element. If a specific element is not covered, the telecommunications company must meet generally accepted industry standards for that element.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:32. Petition for waiver -- Granting of waiver. Upon petition of a telecommunications company, the commission may grant a waiver of any service standard contained in this chapter. In determining whether to grant a waiver, the commission may consider technical feasibility, whether the standard is unduly economically burdensome, whether the company plans to meet the standard within the near future, and other economic, technical, and public interest considerations.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:33. Failure to pay for services other than local exchange services not grounds to terminate local exchange service. No local exchange company may terminate local

exchange service to any customer on the ground that the customer has not paid for services other than local exchange services.

Source: -

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

20:10:33:34. Exemption from providing local exchange service when toll services terminated. Any local exchange company unable to provide local exchange services while terminating toll services may request an exemption from the commission on an exchange by exchange basis by fully documenting the technical reasons for its inability to comply.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85.

CHAPTER 20:10:34

PROHIBITION AGAINST UNAUTHORIZED SWITCHING OF CARRIERS AND CHARGING FOR UNAUTHORIZED SERVICES

Section

20:10:34:01 Definitions.

20:10:34:02 Requirements for independent third-party verification.

20:10:34:03 Letter of agency form and content.

20:10:34:04 Letter of agency form and content -- Exception for checks.

20:10:34:05 Complaints of unauthorized switching of a telecommunications company.

20:10:34:06 Telecommunications company liability.

20:10:34:07 Refund of charges.

20:10:34:08 Subscriber telecommunications bills -- Charges for change of telecommunications company.

20:10:34:09 Billing requirements.

20:10:34:10 Authorized products or services.

20:10:34:11 Refund of unauthorized charges.

20:10:34:01. Definitions. Terms defined in SDCL 49-31-1 have the same meaning in this chapter. In addition, terms used in this chapter mean:

(1) "Subscriber," the person named on the billing statement or account, or any other person authorized to make changes in the providers of telephone exchange service or telephone toll service.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 37-30A-9, 49-31-3, 49-31-77, 49-31-85.

20:10:34:02. Requirements for independent third-party verification. When an independent third-party verification company obtains a subscriber's oral confirmation regarding a change of a designated telecommunications company for interexchange or local exchange telecommunications services, the third-party verification shall include:

(1) A statement that the purpose of the call is to verify the subscriber's intent to switch to the newly requested telecommunications company. The newly requested interexchange or local telecommunications company must be clearly identified to the subscriber. Reference to use of another telecommunications company's network or facilities, if stated, must be secondary in nature to the prominent identification of the telecommunications company which will be providing service and setting the rates for the subscriber's service;

(2) Confirmation that the person whose authorization for a telecommunications company change is being verified is the subscriber on the account or a person authorized by the subscriber to make decisions regarding the telephone account on behalf of the subscriber, whether that subscriber is an individual person or a business;

(3) Verification data unique to the subscriber such as the subscriber's date of birth; and

(4) The name and toll free telephone number of the newly requested telecommunications company.

The third-party verification company shall electronically record, in its entirety, the telephone call that confirms the subscriber's change of a designated telecommunications company. The electronic recording shall be retained by the third-party verification company for 12 months.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 37-30A-9, 49-31-3, 49-31-77, 49-31-85.

20:10:34:03. Letter of agency form and content. A letter of agency obtained from a subscriber for a change of the subscriber's telecommunications company shall be a document which sole purpose is to authorize the change of a telecommunications company. It must be signed and dated by the subscriber of the telephone line requesting the change. It shall not be combined with inducements of any kind on the same document. At a minimum, the letter of agency must be printed with a type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms:

(1) The subscriber's billing name and address and each telephone number to be covered by the change order;

(2) The decision to change the telecommunications company from the current telecommunications company to the prospective telecommunications company;

(3) That the subscriber designates the telecommunications company to act as the subscriber's agent for the telecommunications company change;

(4) That the subscriber understands that only one interexchange telecommunications company may be designated as the subscriber's interstate primary interexchange telecommunications company, only one company may be designated as the subscriber's intrastate primary interexchange company, and only one company may be designated as the subscriber's local exchange company;

(5) The telecommunications company designated as the subscriber's interexchange or local exchange company must be the company directly setting the rates for the subscriber.

(6) That the subscriber understands that any change in a subscriber's interexchange or local exchange service company may involve charges to the subscriber. The precise amount of each charge shall be specified in the letter of agency;

(7) Letters of agency shall not suggest or require that a subscriber take some action in order to retain the subscriber's current telecommunications carrier;

(8) If any portion of a letter of agency is translated into another language then all portions of the letter or agency must be translated into that language. Every letter of agency must be translated into the same language as any promotional materials, oral descriptions, or instructions provided with the letter of agency; and

(9) A toll-free number that the subscriber can call to verify whether the change has occurred.

Source:

General Authority: SDCL 49-31-5(2), 49-31-77, 49-31-85.

Law Implemented: SDCL 37-30A-9, 49-31-3, 49-31-76, 49-31-85.

20:10:34:04. Letter of agency form and content -- Exception for checks.

Notwithstanding ☐ 20:10:34:03, the letter of agency may be combined with checks that contain only the required letter of agency language prescribed in ☐ 20:10:34:03 and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain, in easily readable, bold-face type on the front of the check, a notice that the subscriber is authorizing a change in its telecommunications company by signing the check. The letter of agency language shall be placed near the signature line on the back of the check.

Source:

General Authority: SDCL 49-31-5(2), 49-31-77, 49-31-85.

Law Implemented: SDCL 37-30A-9, 49-31-3, 49-31-77, 49-31-85.

20:10:34:05. Complaints of unauthorized switching of a telecommunications company. Upon receipt of an oral or written complaint alleging an unauthorized switch in a subscriber's telecommunications company from the subscriber, the subscriber's original pre-subscribed telecommunications company, the subscriber's local exchange service company, or from the commission or its staff on behalf of a subscriber or applicant, the telecommunications company that initiated the change shall investigate the complaint and advise the party requesting the investigation of the results. When advising the subscriber or party requesting the investigation of the results, the telecommunications company that initiated the change shall provide documentation, without cost to the commission or the subscriber and in accordance with SDCL 37-30A-9 and this chapter, that confirms the subscriber's valid authorization to switch

telecommunications companies. This documentation shall be provided within 30 days from the receipt of the complaint. The burden is on the telecommunications company that initiated the change to produce documentation that valid authorization was obtained from the subscriber. If a telecommunications company fails to provide the documentation, the change in telecommunications company will be considered invalid.

Source:

General Authority: SDCL 49-31-77, 49-31-85, 49-31-5 (2).

Law Implemented: SDCL 37-30A-9, 49-31-3, 49-31-77, 49-31-85.

20:10:34:06. Telecommunications company liability. Notwithstanding any other provision of law, a telecommunications company, its agent or employee, who initiates a change in a subscriber's telecommunications company in violation of these rules, or cannot provide documentation that the change was initiated in compliance with these rules is liable:

(1) To the subscriber for all long distance charges, local exchange service charges, monthly service charges, carrier switching fees, and other relevant charges billed by the unauthorized telecommunications company or its agent to the subscriber during the period of the unauthorized change, not to exceed six continuous months; and

(2) To the subscriber's original telecommunications company for all charges related to reinstating service to the subscriber.

Source:

General Authority: SDCL 49-31-77, 49-31-85, 49-31-5 (2), (4).

Law Implemented: SDCL 37-30A-9, 49-31-3, 49-31-77, 49-31-85.

20:10:34:07. Refund of charges. A telecommunications company which initiates a telecommunications carrier change without authorization from the subscriber in accordance with

this chapter shall issue to the subscriber a full credit or refund the entire amount of such customer's telephone charges attributable to telephone service from the telecommunications company for up to six continuous months of unauthorized service and any charges from another telecommunications company to re-establish service or to change the subscriber's pre-subscribed company. The appropriate credit or refund must be issued within a period not to exceed 60 days from the date it is determined that the switch was unauthorized.

Source:

General Authority: SDCL 49-31-77, 49-31-85, 49-31-5 (4).

Law Implemented: SDCL 37-30A-9, 49-31-3, 49-31-77, 49-31-85.

20:10:34:08. Subscriber telecommunications bills -- Charges for change of telecommunications company. A bill to a subscriber which reflects any charge to that subscriber for a change in the subscriber's telecommunications company shall prominently display the name of the new telecommunications company and all charges to the subscriber for changing a telecommunications company.

Source:

General Authority: SDCL 49-31-5(3), 49-31-77, 49-31-85.

Law Implemented: SDCL 37-30A-9, 49-31-3, 49-31-77, 49-31-85.

20:10:34:09. Billing requirements. A subscriber's bill shall contain a clear, concise description of services being billed. The bill shall contain the name of the telecommunications company requesting billing, and a toll-free telephone number where the subscriber may call with billing questions.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 37-30A-9, 49-31-3, 49-31-77, 49-31-85.

20:10:34:10. Authorized products or services. Any products or services listed on a subscriber's bill must be authorized by the subscriber. Prior to changing any rate, term, or condition of service, a telecommunications company shall notify the subscriber of the change unless the subscriber has previously agreed, in writing, that no notification is necessary.

Source:

General Authority: SDCL 49-31-77, 49-31-85.

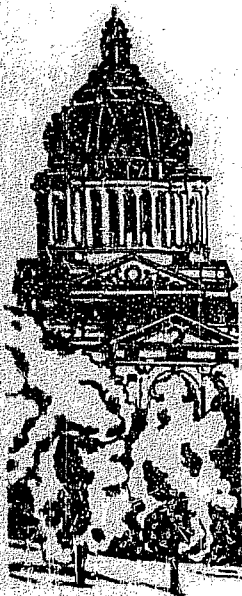
Law Implemented: SDCL 37-30A-9, 49-31-3, 49-31-77, 49-31-85.

20:10:34:11. Refund of unauthorized charges. A telecommunications company which charges for a product or service without authorization from the subscriber shall issue to the subscriber a full credit or refund the entire amount of such unauthorized charges. The appropriate credit or refund must be issued within a period not to exceed 60 days from the date it is determined that the charge was unauthorized.

Source:

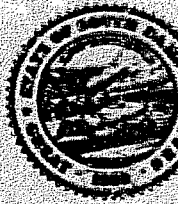
General Authority: SDCL 49-31-77, 49-31-85.

Law Implemented: SDCL 37-30A-9, 49-31-3, 49-31-77, 49-31-85.



South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070



October 2, 1998

Capitol Office
Telephone (605) 773-3201
FAX (605) 773-3809

Transportation/
Warehouse Division
Telephone (605) 773-3280
FAX (605) 773-3225

Consumer Hotline
1-800-432-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet
mailto:pucc.state.sd.us

Jim Burg
Chairman
Paul Nelson
Vice-Chairman
Linda Schoenfelder
Commissioner

William Bullard Jr.
Executive Director

Edward R. Anderson
Harlan Best
Martin C. Bettmann
Charlie Bolle
Sue Cichos
Karen E. Cremer
Marlette Fischbach
Sharleen Fugin
Lewin Hammond
Katie Hartford
Leri Healy
Cameron Hoxeck
Dave Jacobson
Bob Knudle
Delaine Kolba
Jeffrey P. Lorenson
Terry Norum
Gregory A. Riskey
Tammie Starigohr
Steven M. Wegman
Kathryn Aults Wiest

Sioux Falls Argus Leader
P. O. Box 5034
Sioux Falls, SD 57117-5034

To whom it may concern:

Please publish the enclosed notice in your paper as a display advertisement for one issue on or before October 9, 1998.

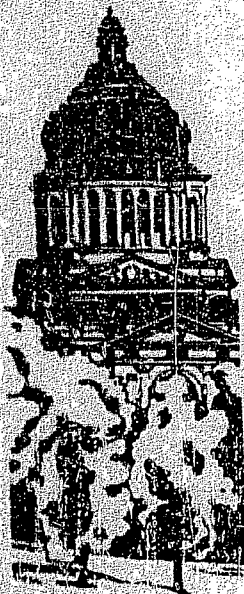
South Dakota law requires that this notice be published as a display advertisement. Your failure to return your Affidavit of Publication containing the words "display advertisement" with your invoice will nullify your claim for publication fees.

If you would like, we can e-mail the notice to you.

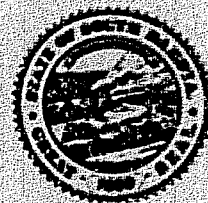
Sincerely yours,

William Bullard
Executive Director

WB:dk
Enc.



South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

October 2, 1998

Capital Office
Telephone (605) 773-3201
FAX (605) 773-3309

Transportation/
Warehouse Division
Telephone (605) 773-5280
FAX (605) 773-3225

Customer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet
mailto:proc.state.sd.us

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Pam Nelson
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Edward R. Anderson
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Charlie Bolle
Sue Cichos
Karen E. Cremer
Marlette Fischbach
Shirlean Fugitt
Lewna Hammond
Katie Hartford
Lene Healy
Cameron Hoseck
Dave Jacobson
Bob Kradle
Delaine Kolbo
Jeffrey P. Lorenson
Terry Norum
Gregory A. Rislov
Tammi Stargohr
Steven M. Wiegman
Rosalyn Ailtz Wiest

Capital Journal
333 West Dakota Avenue
Pierre, SD 57501

To whom it may concern:

Please publish the enclosed notice in your paper as a display advertisement for one issue on or before October 9, 1998.

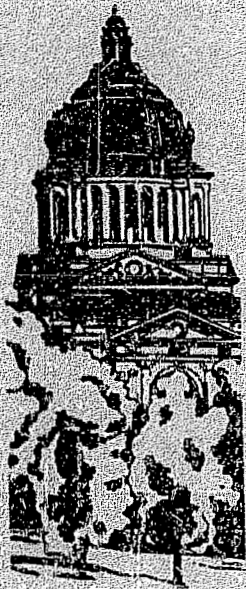
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William Bullard
Executive Director

WB:dk
Enc.



South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

October 2, 1998

Capitol Office
Telephone (605)773-3261
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-377-1113

Internet
167th@puc.state.sd.us

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Chairman
Pete Nelson
Vice-Chairman
Laela Schoenfelder
Commissioner

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Executive Director

Edward R. Anderson
Harlan Best
Martin C. Bettmann
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Karen E. Cremer
Marlette Fischbach
Charleen Fugitt
Lewna Harshbarger
Katie Hartford
Lena Healy
Carson Hoseck
Dave Jacobson
Bob Knafle
DeLaine Kolbo
Jeffrey P. Lorenson
Terry Norum
Gregory A. Rislov
Tammie Stangor
Steven M. Wegman
ReLayne Asht Wiest

Rapid City Journal
P. O. Box 450
Rapid City, SD 57709-0450

To whom it may concern:

Please publish the enclosed notice in your paper as a display advertisement for one issue on or before October 9, 1998.

South Dakota law requires that this notice be published as a display advertisement. Your failure to return your Affidavit of Publication containing the words "display advertisement" with your invoice will nullify your claim for publication fees.

If you would like, we can e-mail the notice to you.

Sincerely yours,

William Bullard
Executive Director

WB:dk
Enc.

Public Utilities Commission
Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 412, fourth floor, State Capitol, Pierre, South Dakota, on November 2, 1998, at 8:30 a.m., to consider the adoption and amendment of proposed rules numbered

Revised rules: §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07.01, 20:10:01:10, 20:10:01:11.01, 20:10:01:15, 20:10:01:15.02, 20:10:01:15.06, 20:10:01:17, 20:10:01:22.01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30.01, 20:10:01:30.02, 20:10:01:32, 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04, 20:10:28:45, 20:10:28:47, 20:10:28:105, 20:10:28:108, 20:10:28:117, 20:10:28:118, 20:10:29:14, 20:10:29:20, 20:10:29:34, 20:10:29:43. New rules: §§ 20:10:24:03.01, 20:10:24:04.01, 20:10:24:04.02, 20:10:24:04.03, 20:10:24:04.04, 20:10:24:04.05, §§ 20:10:32:01 to 20:10:32:51, inclusive, §§ 20:10:33:01 to 20:10:33:34, inclusive, and §§ 20:10:34:01 to 20:10:34:11, inclusive. Repeal: §§ 20:10:25:01, 20:10:25:02, 20:10:25:03, 20:10:25:04, 20:10:28:115.

The effect of the revisions to §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07.01, 20:10:01:10, 20:10:01:11.01, 20:10:01:15, 20:10:01:15.02, 20:10:01:15.06, 20:10:01:17, 20:10:01:22.01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30.01, 20:10:01:30.02, 20:10:01:32 is to revise procedural rules regarding proceedings before the commission. The revisions clarify the role of commission staff in a docket, simplify the procedures for filing a complaint, revise a definition, increase the number of copies of documents needed to be filed with the commission, revise discovery procedures, and list the procedures and standards to be followed when requesting reconsideration.

The reasons for the revisions to rules contained in ARSD chapter 20:10:01 are to simplify, clarify, and update the commission's procedural rules.

The effects of the revisions to §§ 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04 and the proposed promulgation of §§ 20:10:24:03.01, 20:10:24:04.01, 20:10:24:04.02, 20:10:24:04.03, 20:10:24:04.04, 20:10:24:04.05 are as follows: to add requirements for applying for a certificate of authority for interexchange carriers; to specify decision criteria for granting a certificate of authority; to set standards for the sale, assignment, lease, or transfer of certificates of authority; to set the procedures for suspension or revocation of certificates of authority; and to set the requirements for a performance bond.

The reasons for the revisions to and the proposal of new rules in ARSD chapter 20:10:24 are to clarify and add to the commission's procedures and standards with regard to the grant, denial, sale, assignment, lease, transfer, revocation, or suspension of certificates of authority for interexchange carriers.

The effect of the repeal of §§ 20:10:25:01, 20:10:25:02, 20:10:25:03, 20:10:25:04 is that the entire chapter regarding the notice required for construction of telecommunications facilities is repealed.

The reason for the repeal of ARSD chapter 20:10:25 is because the law these rules were based upon, SDCL 49-31-21, was repealed.

The effect of the revisions to §§ 20:10:28:45, 20:10:28:47, 20:10:28:105, 20:10:28:108, 20:10:28:117, 20:10:28:118, 20:10:29:14, 20:10:29:20, 20:10:29:34, 20:10:29:43 and the repeal of § 20:10:28:115 is to delete any recovery of public payphone expenses from the rates charged for intrastate switched access.

The reason for the revisions and repeal is to comply with a Federal Communications Commission's ruling that requires the deletion of any recovery of public payphone expenses from the rates charged for intrastate switched access.

The effects of the proposed rules in §§ 20:10:32:01 to 20:10:32:51, inclusive, are as follows: to set the procedures and standards for the grant, denial, sale, assignment, lease, transfer, suspension, or revocation of certificates of authority to provide local exchange service; to set the service obligations of providers of local exchange service; to set annual reporting requirements; to set standards and procedures for discontinuing local exchange service; to set the procedures and standards regarding negotiated, mediated, and arbitrated interconnection agreements; to set the standards and procedures for rural exemptions, suspensions, or modifications of interconnection requirements for rural telephone companies; and to set the procedures and standards for designation of eligible telecommunications carriers.

The reason for the rules is to comply with a new statute, SDCL 49-31-76, which requires the Commission to promulgate rules regarding the competitive provisioning of local exchange service.

The effects of the proposed rules in §§ 20:10:33:01 to 20:10:33:34, inclusive, are to set service standards for telecommunications companies. These standards include the following areas: minimum requirements for current and new telecommunications facilities; requirements regarding sufficient equipment and personnel; requirements for testing, inspecting, maintenance, and repair of facilities; requirements for record keeping, reporting, and planning requirements; and requirements concerning termination of local exchange service.

The reason for the proposed rules is to comply with new statutory provisions, SDCL 49-31-77 and 49-31-85, which require the commission to establish service quality standards.

The effects of the proposed rules in §§ 20:10:34.01 to 20:10:34.11, inclusive, are to prohibit the unauthorized switching of telecommunications carriers and to prohibit charging consumers for unauthorized services. The proposed rules state the procedures for switching telecommunications carriers and list billing requirements. The proposed rules also state the carrier's liability for unauthorized switching or charging for unauthorized services.

The reasons for the proposed rules are to set the standards and penalties concerning the switching of telecommunications carriers and to set standards and penalties concerning the billing of customers.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission by November 13, 1998, to be considered.

After the hearing, the Commission will consider all written and oral comments it receives on the proposed rules. The Commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-3201.


Copies of the proposed rules may be obtained without charge from the

South Dakota Public Utilities Commission
State Capitol
500 East Capitol
Pierre, SD 57501-5070

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

AFFIDAVIT OF MAILING NOTICE
TO INTERESTED PARTIES

I, Delaine Kolbo, under oath, do swear, that on October 6, 1998, I mailed a copy of the notice attached to this affidavit to the list of persons attached to this affidavit. I further swear that the attached list is a true and correct list of all persons who have requested advance notice of rulemaking proceedings by the Public Utilities Commission.



Delaine Kolbo

Subscribed and sworn to
before me this 6th day
of October, 1998.



Notary Public - South Dakota

(SEAL)

My Commission Expires

_____, 19____
CAMRON HOSBECK
Notary Public
My Commission Expires Mar. 15, 2005

Public Utilities Commission
Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 412, fourth floor, State Capitol, Pierre, South Dakota, on November 2, 1998, at 8:30 a.m., to consider the adoption and amendment of proposed rules numbered

Revised rules: §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07.01, 20:10:01:10, 20:10:01:11.01, 20:10:01:15, 20:10:01:15.02, 20:10:01:15.06, 20:10:01:17, 20:10:01:22.01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30.01, 20:10:01:30.02, 20:10:01:32, 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04, 20:10:28:45, 20:10:28:47, 20:10:28:105, 20:10:28:108, 20:10:28:117, 20:10:28:118, 20:10:29:14, 20:10:29:20, 20:10:29:34, 20:10:29:43. New rules: §§ 20:10:24:03.01, 20:10:24:04.01, 20:10:24:04.02, 20:10:24:04.03, 20:10:24:04.04, 20:10:24:04.05, §§ 20:10:32:01 to 20:10:32:51, inclusive, §§ 20:10:33:01 to 20:10:33:34, inclusive, and §§ 20:10:34:01 to 20:10:34:11, inclusive. Repeal §§ 20:10:25:01, 20:10:25:02, 20:10:25:03, 20:10:25:04, 20:10:28:115.

The effect of the revisions to §§ 20:10:01:01, 20:10:01:01.01, 20:10:01:02, 20:10:01:07.01, 20:10:01:10, 20:10:01:11.01, 20:10:01:15, 20:10:01:15.02, 20:10:01:15.06, 20:10:01:17, 20:10:01:22.01, 20:10:01:25, 20:10:01:28, 20:10:01:29, 20:10:01:30.01, 20:10:01:30.02, 20:10:01:32 is to revise procedural rules regarding proceedings before the commission. The revisions clarify the role of commission staff in a docket, simplify the procedures for filing a complaint, revise a definition, increase the number of copies of documents needed to be filed with the commission, revise discovery procedures, and list the procedures and standards to be followed when requesting reconsideration.

The reasons for the revisions to rules contained in ARSD chapter 20:10:01 are to simplify, clarify, and update the commission's procedural rules.

The effects of the revisions to §§ 20:10:24:01, 20:10:24:02, 20:10:24:03, 20:10:24:04 and the proposed promulgation of §§ 20:10:24:03.01, 20:10:24:04.01, 20:10:24:04.02, 20:10:24:04.03, 20:10:24:04.04, 20:10:24:04.05 are as follows: to add requirements for applying for a certificate of authority for interexchange carriers; to specify decision criteria for granting a certificate of authority; to set standards for the sale, assignment, lease, or transfer of certificates of authority; to set the procedures for suspension or revocation of certificates of authority; and to set the requirements for a performance bond.

The reasons for the revisions to and the proposal of new rules in ARSD chapter 20:10:24 are to clarify and add to the commission's procedures and standards with regard to the grant, denial, sale, assignment, lease, transfer, revocation, or suspension of certificates of authority for interexchange carriers.

The effect of the repeal of §§ 20:10:25:01, 20:10:25:02, 20:10:25:03, 20:10:25:04 is that the entire chapter regarding the notice required for construction of telecommunications facilities is repealed.

The reason for the repeal of ARSD chapter 20:10:25 is because the law these rules were based upon, SDCL 49-31-21, was repealed.

The effect of the revisions to §§ 20:10:28:45, 20:10:28:47, 20:10:28:105, 20:10:28:108, 20:10:28:117, 20:10:28:118, 20:10:29:14, 20:10:29:20, 20:10:29:34, 20:10:29:43 and the repeal of § 20:10:28:115 is to delete any recovery of public payphone expenses from the rates charged for intrastate switched access.

The reason for the revisions and repeal is to comply with a Federal Communications Commission's ruling that requires the deletion of any recovery of public payphone expenses from the rates charged for intrastate switched access.

The effects of the proposed rules in §§ 20:10:32:01 to 20:10:32:51, inclusive, are as follows: to set the procedures and standards for the grant, denial, sale, assignment, lease, transfer, suspension, or revocation of certificates of authority to provide local exchange service; to set the service obligations of providers of local exchange service; to set annual reporting requirements; to set standards and procedures for discontinuing local exchange service; to set the procedures and standards regarding negotiated, mediated, and arbitrated interconnection agreements; to set the standards and procedures for rural exemptions, suspensions, or modifications of interconnection requirements for rural telephone companies; and to set the procedures and standards for designation of eligible telecommunications carriers.

The reason for the rules is to comply with a new statute, SDCL 49-31-76, which requires the Commission to promulgate rules regarding the competitive provisioning of local exchange service.

The effects of the proposed rules in §§ 20:10:33:01 to 20:10:33:34, inclusive, are to set service standards for telecommunications companies. These standards include the following areas: minimum requirements for current and new telecommunications facilities; requirements regarding sufficient equipment and personnel; requirements for testing, inspecting, maintenance, and repair of facilities; requirements for record keeping, reporting, and planning requirements; and requirements concerning termination of local exchange service.

The reason for the proposed rules is to comply with new statutory provisions, SDCL 49-31-77 and 49-31-85, which require the commission to establish service quality standards.