

Public Utilities Commission
Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 413, 4th Floor, State Capitol, Pierre, South Dakota, on August 2, 2007, at 9:00 a.m., to consider the adoption and amendment of proposed rules numbered:

20:10:24:02, 20:10:24:04.02, 20:10:24:04.05, 20:10:24:05, 20:10:32:03, 20:10:32:06.01, 20:10:32:10, 20:10:32:29, 20:10:32:30, 20:10:32:31.01, 20:10:32:39, 20:10:32:54, 20:10:32:55, 20:10:33:22, 20:10:34:02.02 and 20:10:34:10

The proposed rule changes affect telecommunications rules. For 20:10:24:02, the changes add some requirements for applicants requesting a certificate of authority to provide interexchange services in South Dakota, including providing information to customers and the prevention of slamming. The changes also delete some requirements, including the filing of tariffs, cost support for certain rates, and organizational information. The change to 20:10:24:04.02 deletes the requirement to maintain on file all tariffs and rates. The reasons for the changes are to comply with newly enacted state law which prohibits the tariffing of certain services and requires notice of materially adverse changes to customers, to provide additional information regarding the application, and to eliminate requirements that are no longer needed.

The change to 20:10:24:04.05 clarifies that any security filed by an interexchange company is only for the benefit of South Dakota customers. The reason for this change is to make it clear that any protections provided by bonds or other security apply only to customers in South Dakota.

The changes to 20:10:24:05 add requirements for alternative operator services regarding notification to customers prior to the customer incurring charges for a call. The changes also delete the requirement to file tariffs. The reasons for the changes are to ensure that customers can find out what the charges will be when using alternative operator services and to comply with newly enacted state law regarding tariff filings.

ARSD 20:10:32:03 applies to applications for certificates of authority to provide local exchange services in South Dakota. The changes add some additional requirements, including providing information to customers. The changes also delete some requirements, including the filing of tariffs, cost support for certain rates, and organizational information. The reasons for the changes are to comply with newly enacted state law which prohibits the tariffing of certain services and requires notice of materially adverse changes to customers, to provide additional information regarding the application, and to eliminate requirements that are no longer needed.

Proposed rule 20:10:32:06.01 allows the Commission to require some form of security as a condition to receiving a certificate of authority. The reason for the proposed rule is to provide additional protection to South Dakota customers in the event the company is unable to provide services.

The changes to 20:10:32:10 allow the Commission to waive the provisioning of a requirement for local exchange service if it is not necessary based on the type of service being provided. The reason for the change is that, depending on the type of services provided, a company may not need to comply with all of the requirements.

The changes to 20:10:32:29 require a petition for arbitration of an interconnection agreement to be accompanied by written testimony, exhibits, cost support, request for protective order, and proposed procedural schedule. For 20:10:32:30, responses to arbitrations must contain the information that is required for petitions for arbitrations. The change to 20:10:32:39 requires a petition for suspension or modification of an interconnection requirement to include written testimony and exhibits. The reason for the changes is to make it easier to comply with statutory deadlines for decisions by requiring more information at the time of the filing of the application.

Proposed rule 20:10:32:31.01 is a new rule which sets forth how a person who is not a party to an arbitration may participate. The reason for the rule is to allow a non-party to be able to state that party's position on issues that have arisen in the arbitration.

The change to 20:10:32:54 clarifies that an eligible telecommunications carrier must continue to file improvement plans after the filing of the initial plan. The reason for this change is to ensure that carriers continue to file improvement plans. The change to 20:10:32:55 requires the annual lifeline report to be filed with the annual certification. The reason for this change is to consolidate related filings.

For 20:10:33:22, the change requires local exchange companies to notify customers in advance of all interruptions due to maintenance, if possible, instead of just for "extended" interruptions. The reasons for this change include the difficulty in defining "extended" and to provide customers with notifications of all maintenance interruptions if possible.

Proposed rule 20:10:34:02.02 sets forth the requirements for notifying customers when a new telephone company acquires the subscriber base of another carrier. The acquiring carrier must provide to the subscriber the rates, terms and conditions of service as well as other information and give notice 30 days before the transfer which would allow the subscriber sufficient time to choose a new carrier. The reason for this change is to provide notice to customers when a telephone company is acquired by another company.

For 20:10:34:10, the changes regard how customers are notified of changes in rates, terms and conditions of service. The reason for the changes is to reflect recent statutory changes which require notification of materially adverse changes.

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 August 13, 2007, 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

The proposed rules may also be found on the Public Utilities Commission's home page at the following address:

<http://www.state.sd.us/puc/commission/dockets/rulemaking/2007/rm07-001/rm07-001.htm>