

20:10:01:02.01. Communications with commissioners. All correspondence with the commission shall be addressed to the commission's executive director at the commission's principal office or via electronic mail addressed to the commission's executive director.
~~Correspondence~~ Official correspondence with the commissioners shall not be addressed to an individual commissioner unless otherwise specifically authorized or directed by the commission.

Source: 16 SDR 148, effective March 22, 1990.

General Authority: SDCL 49-1-11.

Law Implemented: SDCL 49-1-11.

20:10:01:02.05. Filing of documents. Unless otherwise allowed, any document filed with the commission shall be filed electronically as a .pdf file by accessing the commission's website. If the document is unable to be filed as a .pdf file, the document shall be filed using a widely used file format. ~~Documents larger than eight and one-half by fourteen inches or that otherwise may not be practicably filed by email attachment shall be filed by mail or hand delivery.~~ If a person is requesting confidential treatment of any information, that information shall be filed electronically as a separate document and the confidential designation shall be noted in the subject line of the electronic filing. If a person is unable to file the document electronically due to technical reasons or lack of electronic filing capabilities, the person shall file the original document with the commission by mail or hand delivery and is not required to file electronically. ~~If a person has the computer capability and it is technically feasible, any document that is not filed electronically shall be filed with the commission on a recordable compact disc.~~ These filing requirements apply to all documents unless otherwise specified in this article or required by the commission.

Any document for consideration by the commission must be filed at least 24 hours prior to the commission meeting or hearing when it will be considered unless good cause is offered for the delay or unless otherwise ordered by the commission.

Source: 18 SDR 26, effective August 7, 1991; 33 SDR 107, effective December 26, 2006.

General Authority: SDCL 49-1-11(2),(4).

Law Implemented: SDCL 49-1-11(2),(4).

Cross-References:

Contents of consumer complaint, § 20:10:01:07.01.

Requests for confidential treatment of information, § 20:10:01:41.

20:10:01:32. Information provided by commission. The executive director of the commission shall, 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~~ provide a party with information regarding the proper filing of pleadings with 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; 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-1-11(4).

Law Implemented: SDCL 49-1-11(4).

CHAPTER 20:10:22
ENERGY FACILITY SITING RULES

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Declaratory Ruling: The Public Utilities Commission has filed a declaratory ruling with the Legislative Research Council in the Matter of the City of Flandreau Proposed Transmission Line. The City has asked if the proposed project is within the SDCL 49-41B-2.1 definition of a transmission line and associated facility, thereby requiring a SDPUC permit. On June 22, 1999, at its regularly scheduled meeting, the commission determined that the proposed 115kV transmission line is exempt from its siting jurisdiction because the entire line will be installed within the existing right-of-way on S.D. Highway 32 and the Industrial Park Road with the exception of the guying equipment for a corner pole. Declaratory Ruling EL99-010 dated June 25, 1999.

The Public Utilities Commission has filed a declaratory ruling with the Legislative Research Council. West River Electric Association, Inc., requested a ruling from the Commission regarding its jurisdiction over the siting of a new 115 kV transmission line near Rapid City. In the ruling, the Commission ordered that WREA's proposed transmission line is subject to the Commission's siting jurisdiction. Public Utilities Commission Declaratory Ruling EL00-030 dated December 14, 2000.

20:10:22:05. Application contents. The application for a permit for a facility shall contain the applicable information specified in §§ 20:10:22:06 to 20:10:22:25, inclusive, 20:10:22:36, and 20:10:22:39. If the application is for a permit for an energy conversion facility, it shall also contain the information specified in §§ 20:10:22:26 to 20:10:22:33, inclusive. If the application is for a permit for a transmission facility as defined in SDCL subdivision 49-41B-2.1(1), it shall also contain the information in §§ 20:10:22:34, ~~and 20:10:22:35, and 20:10:22:41~~. If the application is for a permit for a transmission facility as defined in SDCL subdivision 49-41B-2.1(2), it shall also contain the information in §§ 20:10:22:37, ~~and 20:10:22:38, and 20:10:22:41~~. If the application is for a permit for a wind energy facility or a solar energy facility, it shall also contain the information in §§ 20:10:22:33.01 and 20:10:22:33.02.

The application for a permit for a facility shall contain a list of each permit that is known to be required from any other governmental entity at the time of the filing. The list of permits shall be updated, if needed, to include any permit the applicant becomes aware of after filing the application. The list shall state when each permit application will be filed. The application shall also list each notification that is required to be made to any other governmental entity.

Source: 5 SDR 1, effective July 25, 1978; 7 SDR 41, effective November 3, 1980; 12 SDR 86, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 32 SDR 109, effective December 26, 2005; 38 SDR 116, effective January 10, 2012; 47 SDR 125, effective May 30, 2021.

General Authority: SDCL 49-41B-35(2).

Law Implemented: SDCL 49-41B-11(1) ~~thru (12)~~, 49-41B-35(2).

20:10:22:40. Application for party status. A governmental agency, or person, ~~or nonprofit organization~~, as specified in SDCL 49-41B-17(2) and (3), ~~shall~~ may be granted party status in a proceeding commenced pursuant to SDCL 49-41B upon applying in writing to the commission on a form provided by the commission.

~~_____ The application shall contain the following:~~

~~-~~

~~_____ (1) Date;~~

~~_____ (2) Verified signature of the applicant; and~~

~~_____ (3) A statement requesting party status.~~

Unless otherwise ordered by the commission, ~~The~~ the application shall be filed within 60 days from the date the facility siting application is filed.

Source: 9 SDR 55, effective November 7, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 32 SDR 109, effective December 26, 2005.

General Authority: SDCL 49-41B-35(2).

Law Implemented: SDCL 49-41B-17(1)(2)(3).

20:10:22:41. Shapefiles to be provided for transmission line route. If the application is for a permit for a transmission facility, at the time the application is filed, the applicant shall provide to the commission shapefiles depicting the route. The shapefiles must be compatible with ArcGIS and may be published for public viewing by the commission on its website.

General Authority: SDCL 49-41B-35.

Law Implemented: SDCL 49-41B-11(2).

CHAPTER 20:10:32

LOCAL EXCHANGE SERVICE COMPETITION

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20:10:32:54 Certification requirements.

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20:10:32:03. Certificate of authority for local exchange service -- Application requirements. A telecommunications company required to apply for a certificate of authority for local exchange services from the commission shall submit a written application and provide the following information unless the commission grants a waiver to omit a specific item of information:

(1) The applicant's name, address, telephone number, ~~facsimile number~~, web page URL, and E-mail address;

(2) A description of the legal and organizational structure of the applicant's company;

(3) The name under which applicant will provide local exchange services if different than in subdivision (1) of this section;

~~(5)~~(4) A copy of its certificate of authority to transact business in South Dakota from the Secretary of State;

~~(4)~~(5) The location of the applicant's principal office, if any, in this state and the name and address of its current registered agent, if applicable;

~~(5) A copy of its certificate of authority to transact business in South Dakota from the secretary of state;~~

~~——(6) A description of 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;~~

~~——(7) Names and addresses of applicant's affiliates, subsidiaries, and parent organizations, if any;~~

~~(8)~~(6) A list and specific description of the types of services the applicant seeks to offer and how 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;

(7) A description of 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;

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

(9) A service area map or narrative description indicating with particularity the geographic area proposed to be served by the applicant;

(10) For the most recent 12 month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements. The applicant shall provide audited financial statements, if available;

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

(12) Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed local exchange services;

(13) Information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of local service customers by the applicant, its employees, or agents;

(14) Information concerning how the applicant will make available to any person information concerning the applicant's current rates, terms, and conditions for all of its telecommunications services;

(15) Information concerning how the applicant will notify a customer of any materially adverse change to any rate, term, or condition of any telecommunications service being provided to the customer. The notification must be made at least thirty days in advance of the change;

(16) 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;

(17) A description of how the applicant intends to market its local exchange services, 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;

(~~12~~20) 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 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;

(~~12~~21) 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) For the most recent 12 month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements. The applicant shall provide audited financial statements, if available;~~

(~~13~~22) 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 negotiations are likely to start; and

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

~~(14) A description of how the applicant intends to market its local exchange services, 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;~~

(~~15~~23) 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 § 20:10:32:15 and applicant's plans for meeting the service obligations;

~~(16) 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;~~

~~(17) The names, addresses, telephone numbers, E-mail addresses, and facsimile numbers of the applicant's representatives to whom all inquiries must be made regarding customer complaints and other regulatory matters;~~

~~(18) Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed local exchange services;~~

~~(19) Information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of local service customers by the applicant, its employees, or agents;~~

~~(20) 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;~~

~~(21) Information concerning how the applicant will make available to any person information concerning the applicant's current rates, terms, and conditions for all of its telecommunications services;~~

~~(22) Information concerning how the applicant will notify a customer of any materially adverse change to any rate, term, or condition of any telecommunications service being provided to the customer. The notification must be made at least thirty days in advance of the change;~~

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

~~(24) Federal tax identification number and South Dakota sales tax number; and~~

(25) 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.

The commission may require the production of audited financial statements and additional information to supplement that contained in the application. A company shall notify the commission of any changes in subdivisions (1), (3), (4), and ~~(17)~~(11) of this section as they occur.

Source: 25 SDR 89, effective December 27, 1998; 26 SDR 110, effective March 7, 2000; 34 SDR 67, effective September 11, 2007.

General Authority: SDCL 49-31-76.

Law Implemented: SDCL 49-31-3, 49-31-12.7, 49-31-69, 49-31-76.

20:10:32:12. 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 to the commission 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;~~

———~~(2) 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 must separately identify areas being served primarily through resale and areas served by facilities of the companies; and~~

———~~(3) The number of access lines being served, segregated between business and residential local exchange customers.~~

Source: 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-31-76.

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

20:10:32:21. 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. ~~Each party~~ The parties to the negotiated agreement shall submit a complete copy of the agreement, including any attachments. ~~Each party~~ 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 any non-party carrier and is consistent with the public interest, convenience, and necessity.

Source: 25 SDR 89, effective December 27, 1998.

General Authority: SDCL 49-31-76.

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

20:10:32:42. Designation of eligible telecommunications carriers. The commission on its own motion or upon request shall designate a telecommunications company which meets the requirements of 47 C.F.R § 54.201 (January 1, 2006) 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 an area served by a rural telephone company, and shall, in all other areas, designate more than one telecommunications company 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 (January 1, 2006). 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 is in the public interest. ~~In reviewing any proposed additional eligible telecommunications carrier designation within~~ For an area served by a rural telephone company, the commission may not find it to be in the public interest if the telecommunications company requesting such designation is not offering its services coextensive with the rural telephone company's service area.

Source: 25 SDR 89, effective December 27, 1998; 32 SDR 231, effective July 10, 2006.

General Authority: SDCL 49-31-76.

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

20:10:32:43. Eligible telecommunications carrier petitions. A telecommunications company 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 name, address, email, and telephone number of the applicant and its designated contact person;
- (2) The proposed effective date of designation of eligible telecommunications carrier status;
- (3) Identification of the service area, including a detailed map, 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 (January 1, 2006);
- (5) If the applicant, other than a wireless Lifeline-only provider, is seeking additional time to complete network upgrades pursuant to C.F.R. § 54.101(c) (January 1, 2006), the applicant shall list the reasons why additional time is needed and the estimated length of time to complete the network upgrades; and
- (6) A statement specifying why the applicant's proposed designation is in the public interest.

A company shall notify the commission of any changes in subdivision (1) of this section as they occur.

A wireless telecommunications company has received a designation as a wireless Lifeline-only eligible telecommunications carrier shall annually submit to the commission, by July 1 of each year thereafter, the rates and service plans of any telecommunications service being provided to the Lifeline-only customers.

Source: 25 SDR 89, effective December 27, 1998; 32 SDR 231, effective July 10, 2006.

General Authority: SDCL 49-31-76.

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

20:10:32:43.02. Submission of two-year plan. An applicant requesting designation as an eligible telecommunications carrier, except for wireless Lifeline only designations, shall submit a two-year plan that describes with specificity proposed improvements or upgrades to the applicant's network on a wire center-by-wire center basis throughout its proposed designated service area. Each applicant shall demonstrate the following on a wire center-by-wire center basis:

(1) How service quality, signal quality, coverage, or capacity will improve due to the receipt of high-cost support;

(2) The projected start date and completion date for each improvement and the estimated amount of investment for each project that is funded by high-cost support;

(3) The specific geographic areas where the improvements will be made; and

(4) The estimated population that will be served as a result of the improvements. If an applicant believes that service improvements in a particular wire center are not needed, the applicant must explain its basis for this determination and demonstrate how funding will otherwise be used to further the provision of supported services in that area.

Source: 32 SDR 231, effective July 10, 2006.

General Authority: SDCL 49-31-76, 49-31-77, 49-31-81.

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

20:10:32:43.05. Offering of comparable local usage plan. ~~An applicant requesting designation as an eligible telecommunications carrier shall demonstrate that it offers a local usage plan comparable to the one offered by the incumbent local exchange carrier in the service areas for which the applicant seeks designation~~ Repealed.

Source: 32 SDR 231, effective July 10, 2006.

General Authority: ~~SDCL 49-31-76, 49-31-77, 49-31-81.~~

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

20:10:32:43.06. Provisioning of equal access. ~~An applicant requesting designation as an eligible telecommunications carrier shall certify that it will be able to provide equal access to long distance carriers if no other eligible telecommunications carrier is providing equal access within the service area~~ Repeal.

Source: 32 SDR 231, effective July 10, 2006.

General Authority: ~~SDCL 49-31-76, 49-31-77, 49-31-81.~~

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

20:10:32:43.07. Public interest standard. Prior to designating an eligible telecommunications carrier, the commission shall determine that such designation is in the public interest. The commission shall consider the benefits of increased consumer choice, the impact of multiple designations on the universal service fund, the unique advantages and disadvantages of the applicant's service offering, commitments made regarding the quality of the telephone service provided by the applicant, and the applicant's ability to provide the supported services throughout the designated service area within a reasonable time frame. In addition, the commission shall consider whether the designation of the applicant will have detrimental effects on the provisioning of universal service by the incumbent local exchange carrier. If an applicant seeks designation below the study area level of a rural telephone company, the commission shall also conduct a creamskimming analysis that compares the population density of each wire center in which the applicant seeks designation against that of the wire centers in the study area in which the applicant does not seek designation. In its creamskimming analysis, the commission shall consider other factors, such as disaggregation of support pursuant to 47 C.F.R. § 54.315 (January 1, 2006) by the incumbent local exchange carrier. Wireless Lifeline-only eligible telecommunications applicants do not need to provide a creamskimming analysis.

Source: 32 SDR 231, effective July 10, 2006.

General Authority: SDCL 49-31-76, 49-31-77, 49-31-81.

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

20:10:32:53. Requirements for previously designated eligible telecommunications carriers and pending applications. A telecommunications company that has been designated as an eligible telecommunications carrier or has submitted its application for designation before the effective date of these rules must submit the information required by §§ 20:10:32:43.01 to 20:10:32:43.06, inclusive, by August 1, 2006. Lifeline only wireless companies that have been designated as an eligible telecommunications carriers are exempt from this section.

Source: 32 SDR 231, effective July 10, 2006.

General Authority: SDCL 49-31-76, 49-31-77, 49-31-81.

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

20:10:32:54. Certification requirements. In its annual certification filing, each eligible telecommunications carrier shall provide the following information, on a calendar year basis, to the commission:

- (1) A two-year service quality improvement plan as described in § 20:10:32:43.02;
- (2) A progress report on its previously filed two-year service quality improvement plan, including either a clear description of and/or maps detailing its progress towards meeting its plan targets, an explanation of how much universal service support was received and how it was used to improve service quality, signal quality, coverage, or capacity, and an explanation regarding any network improvement targets that have not been fulfilled. Information concerning completed or planned network improvement projects should indicate which wire center areas or local communities are benefited by the improvements and shall be submitted at the wire center level;
- (3) Detailed information on any outage, as that term is defined in 47 C.F.R. § 4.5 (January 1, 2006), of at least 30 minutes in duration for each service area in which an eligible telecommunications carrier is designated for any facilities it owns, operates, leases, or otherwise utilizes if the outage affected at least ten percent of the end users served in a designated service area, or a 911 special facility, as defined in 47 C.F.R. § 4.5(e) (January 1, 2006). Information on the outage must include:
 - (A) The date and time of onset of the outage;
 - (B) A brief description of the outage and its resolution;
 - (C) The particular services affected;
 - (D) The geographic areas affected by the outage;
 - (E) The steps taken to prevent a similar situation in the future; and
 - (F) The number of customers affected;
- (4) The number of requests for service from potential customers within the eligible telecommunications carrier's service areas that were unfulfilled during the past year. The carrier shall also detail how it attempted to provide service to those potential customers, as set forth in § 20:10:32:43.01;
- (5) The number of complaints the eligible telecommunications carrier's complaint department has received from consumers for the previous calendar year;
- (6) Certification that it is complying with applicable service quality standards and consumer protection rules; and
- (7) Certification that the eligible telecommunications carrier is able to function in emergency situations as set forth in § 20:10:32:43.03.

A Lifeline-only wireless company that have been designated as an eligible telecommunications carrier are exempt from this section.

Source: 32 SDR 231, effective July 10, 2006; 34 SDR 67, effective September 11, 2007; 47 SDR 125, effective May 30, 2021.

General Authority: SDCL 49-31-76, 49-31-77, 49-31-81.

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

20:10:32:55. Lifeline and link-up advertising requirements -- Annual report on outreach efforts. An eligible telecommunications carrier shall annually notify the availability of the federal lifeline and link-up assistance programs to each of its existing customers residing in the carrier's designated service area by written notification in either print or electric form provided directly to the existing customers. A new customer residing in the carrier's designated service area shall receive written notification in either print or electronic form of lifeline and link-up assistance programs within 30 days after receiving telecommunications services. An eligible telecommunications carrier shall annually advertise the availability of lifeline and link-up services in media of general distribution throughout its service areas. As part of its annual certification filing, an eligible telecommunications carrier shall submit a report on its outreach efforts designed to increase participation in the lifeline and link-up assistance programs to the commission. The report shall be filed by ~~June~~ July first of each year and shall report on the eligible telecommunications carrier's outreach activities for the previous year.

A Lifeline-only wireless company that have been designated as an eligible telecommunications carrier are exempt from this section.

Source: 32 SDR 231, effective July 10, 2006; 34 SDR 67, effective September 11, 2007.

General Authority: SDCL 49-31-76, 49-31-77, 49-31-81.

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

20:10:33:21. 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, including the marking of facilities as required by the rules and regulations of the One-Call Notification System. 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 verifies in writing 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 an entity that verifies in writing to the company that telecommunications services are needed to protect the public's health, safety, and welfare.

Source: 25 SDR 89, effective December 27, 1998.

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. Reporting requirements when 911 service is disrupted or impaired. Each local exchange company shall, immediately upon discovery of an outage on its network, report to each 911 public safety answering point serving the affected local service areas, to the local area broadcast media serving the affected local service areas, and to the commission pertinent information concerning any specific occurrence or development which disrupts or impairs the local service area's 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: 25 SDR 89, effective December 27, 1998.

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

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

20:10:37:01. Definitions. Terms defined in SDCL 49-34B-1 have the same meaning when used in this chapter. In addition, terms used in this chapter mean:

(1) "Inspector," a pipeline safety inspector employed by, or contracted as an agent of the commission;

(2) "Incident," is any of the following events:

(a) A release of gas from a gas pipeline facility or of liquefied natural gas or gas from a liquefied natural gas facility; and

(i) A death, or personal injury necessitating in-patient hospitalization; or

(ii) Estimated property damage, including cost of gas lost, of the operator or others, or both, of ~~\$50,000~~ \$145,000 or more;

(b) An event that results in an emergency shutdown of a liquefied natural gas facility; or

(c) An event that is significant, in the judgment of the operator, even though it did not meet the criteria of subdivisions (a) and (b) above;

(3) "Incident docket," a docket opened with the commission upon the initiation of an investigation of an incident;

(4) "Incident report," the report drafted by an inspector after an incident;

(5) "Inspection," a review of the books, files, records, reports, supplemental data, other documents and information, plant, property, and facilities of a pipeline operator to ensure compliance with applicable pipeline safety standards;

(6) "Inspection report," the report drafted by an inspector after an inspection of any type, except for an incident; and

(7) "Pipeline safety program," the program administered by the commission with regulatory jurisdiction over the safety standards and practices of all jurisdictional intrastate natural gas and other gas pipelines within South Dakota.

Source: 36 SDR 57, effective October 19, 2009.

General Authority: SDCL 49-34B-4, 49-34B-19.

Law Implemented: SDCL 49-34B-3, 49-34B-4, 49-34B-19, 49-34B-27.