



*Advocating for South Dakota's rural
broadband providers*

July 11, 2025

South Dakota Public Utilities Commission
Ms. Leah Mohr, Executive Director
500 E. Capitol Ave
Pierre, SD 57501

VIA E-FILING ONLY

Re: Draft Rules and Amendments for Docket RM25-001

Dear Ms. Mohr:

The South Dakota Telecommunications Association (SDTA) appreciates the opportunity to comment on the South Dakota Public Utility Commission's (PUC) proposed administrative rule changes. SDTA respectfully requests the PUC consider using more specific language in ARSD 20:10:33:27 to remain consistent with federal law. The requested changes are shown below, followed by further explanation.

20:10:33:27. Reporting requirements when 911 service is disrupted or impaired.

Each local exchange company shall, immediately upon discovery of an unplanned outage on a facility that is owned, operated, leased or otherwise utilized by a local exchange company, 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.

SDTA submits the following as support for its request:

- 1) The type of outage: Planned outages, for equipment upgrades or maintenance may impact access to 911 and are addressed by ARSD 20:10:33:22. Despite this, it is arguable that under ARSD 20:10:33:27 outages of all types necessitate a report. SDTA believes the intent of the rule is for reporting of “*unplanned*” outages and requests the PUC incorporate the clarification.
- 1) Control over the impacted facility: Last year, several large 911 outages occurred outside of the SDTA member company networks. The outage impacted South Dakota consumers and may have impacted the SDTA member company customers. However, SDTA companies had no control over the impacted facilities, they had no knowledge of the outage scope, nor did they have information regarding when, why or how the outage occurred. Most SDTA member companies only learned of the outage when all other members of the general public became aware of it. Given the facts, SDTA member companies were uncertain whether ARSD 20:10:33:27 applied. SDTA companies appreciate the PUC’s effort, in this proceeding, to clarify ARSD 20:10:33:27 911 outage reporting obligations.

SDTA member companies request, however, that the Commission use language from 47 CFR §4.9(f) to achieve the desired clarification. Specifically, 47 CFR §4.9(f) requires that providers report an outage “*on any facility that they own, operate, lease, or otherwise utilize...*” SDTA submits the language does not substantively change the PUC’s proposal. However, there is benefit in more precise language that aligns with federal regulations.

In addition, SDTA takes this opportunity to recommend the Commission consider a broader evaluation of telecommunication outage reporting rules (for both telecommunications service and 911 services). South Dakota local exchange company outage reporting obligations were established in rule in 1998. See ARSD 20:10:33:23, 27, 28. After that time, in 2004¹, the Federal Communications Commission (FCC) established a robust outage reporting system. See 47 CFR §§4.1 – 4.18. All South Dakota telecommunications providers, including all local exchange providers and all SDTA member companies, must comply with the federal outage reporting regulations. The PUC and the FCC parameters for outage reporting are different and inconsistent in a variety of ways. Managing different reports, with different requirements, to different jurisdictions regarding the same subject is unnecessarily cumbersome. To eliminate regulatory

¹ The FCC outage reporting rules have been subsequently amended in 2012, 2014, 2016, 2023, 2024.

burden, and advance operational efficiency, SDTA suggests the PUC consider whether the 47 CFR §4.5 definition of outage and 47 CFR §4.9 report would meet the Commission's needs.²

In conclusion, SDTA appreciates the PUC's consideration of minor language changes to the PUC proposal in ARSD 20:10:33:27. SDTA looks forward to further engagement with the Commissioners and PUC staff to discuss broader changes to the outage reporting rules for possible consideration in a future rule proceeding.

Sincerely,

A handwritten signature in black ink that reads "Kara Semmler". The script is cursive and fluid.

Kara Semmler
SDTA Executive Director

² Of note, outage reporting is required in the SD ETC certification process. The applicable SD rule, ARSD 20:10:32:54(3), uses the 47 CFR §4.5 definition of outage.