

20:10:01:02.01. Communications with commissioners. All correspondence with the commission ~~shall~~ must 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~~ may not be addressed to an individual commissioner unless ~~otherwise specifically authorized by law~~ 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~~ 49-1-8.2.

20:10:01:02.05. Filing of documents. Unless otherwise allowed by statute, rule, or commission order and as provided below, any document filed with the commission ~~shall~~ must be filed electronically as a .pdf file ~~by accessing via~~ the commission's website. If the document is unable to be filed as a .pdf file, the document ~~shall~~ must be filed using another 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~~ must be filed electronically as a separate document and the confidential designation shall must 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~~ must 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 twenty-four hours prior to the commission meeting or hearing during which the document is to be considered, unless good cause is offered by the filing party 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)(6).

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 by a submitting party, § 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 49-1-8.2, 49-1-11(4).

CHAPTER 20:10:22
ENERGY FACILITY SITING RULES

Section

20:10:22:01	Definitions.
20:10:22:02	Content of notification of intent.
20:10:22:03	Prefiling conference.
20:10:22:04	General format of application for permit.
20:10:22:05	Application contents.
20:10:22:06	Names of participants required.
20:10:22:07	Name of owner and manager.
20:10:22:08	Purpose of facility.
20:10:22:09	Estimated cost of facility.
20:10:22:10	Demand for facility.
20:10:22:11	General site description.
20:10:22:12	Alternative sites.
20:10:22:13	Environmental information.
20:10:22:14	Effect on physical environment.
20:10:22:15	Hydrology.
20:10:22:16	Effect on terrestrial ecosystems.
20:10:22:17	Effect on aquatic ecosystems.
20:10:22:18	Land use.
20:10:22:19	Local land use controls.
20:10:22:20	Water quality.

20:10:22:21	Air quality.
20:10:22:22	Time schedule.
20:10:22:23	Community impact.
20:10:22:24	Employment estimates.
20:10:22:25	Future additions and modifications.
20:10:22:26	Nature of proposed energy conversion facility.
20:10:22:27	Products to be produced.
20:10:22:28	Fuel type used.
20:10:22:29	Proposed primary and secondary fuel sources and transportation.
20:10:22:30	Alternate energy resources.
20:10:22:31	Solid or radioactive waste.
20:10:22:32	Estimate of expected efficiency.
20:10:22:33	Decommissioning.
20:10:22:33.01	Decommissioning of wind energy facilities and solar energy facilities -- Funding for removal of facilities.
20:10:22:33.02	Information concerning wind energy facilities and solar energy facilities.
20:10:22:34	Transmission facility layout and construction.
20:10:22:35	Information concerning transmission facilities.
20:10:22:36	Additional information in application.
20:10:22:37	Statement required describing gas or liquid transmission line standards of construction.
20:10:22:38	Gas or liquid transmission line description.
20:10:22:39	Testimony and exhibits.

20:10:22:40 Application for party status.

20:10:22:41 Shapefiles to be provided for transmission line route.

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~~ An application for a permit for a facility ~~shall~~ must 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 must 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 must also contain the information specified 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~~ must also contain the information specified 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~~ must also contain the information specified in §§ 20:10:22:33.01 and 20:10:22:33.02.

The application ~~for a permit for a facility shall~~ must contain a list of each permit that is known by the applicant to be required for the facility from any other governmental entity at the time of the filing. The list of permits ~~shall~~ must be updated, if needed, to include any permit of which the applicant becomes aware ~~of~~ after filing the application. The list must state when each permit application ~~will~~ is to be filed. The application ~~shall~~ must also list each notification associated with the facility 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 chapter 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~~ must be filed within ~~60~~ sixty 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~~ At the time the an application for a permit for a transmission facility is filed, the applicant shall provide to the commission the shapefiles depicting the proposed route of the facility. -The shapefiles must be compatible with ArcGIS. The commission may publish the shapefiles for public viewing on its website.

General Authority: SDCL 49-41B-35.

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

CHAPTER 20:10:32

LOCAL EXCHANGE SERVICE COMPETITION

Section

- | | |
|----------------|---|
| 20:10:32:01 | Definitions. |
| 20:10:32:02 | Certificate of authority required to provide local exchange service. |
| 20:10:32:03 | Certificate of authority for local exchange service -- Application requirements. |
| 20:10:32:04 | Notice to other local exchange carriers in proposed service area -- Intervener status. |
| 20:10:32:05 | Opportunity for hearing -- Burden of proof. |
| 20:10:32:06 | Rejection of incomplete application -- Decision criteria for granting a certificate of authority. |
| 20:10:32:06.01 | Performance bonds. |
| 20:10:32:07 | Certification subject to commission imposed terms and conditions. |
| 20:10:32:08 | Sale, assignment, lease, or transfer of certificate of authority. |
| 20:10:32:09 | Suspension or revocation of certificate of authority. |
| 20:10:32:10 | Service obligations of all providers -- Request for waiver. |
| 20:10:32:11 | Local calling scope for alternative providers. |
| 20:10:32:12 | Annual reporting requirements. |
| 20:10:32:13 | Discontinuance of service. |
| 20:10:32:14 | Area under threat of discontinuance of service. |
| 20:10:32:15 | Rural service area -- Additional service obligations. |
| 20:10:32:16 | Good faith offering requirement. |

20:10:32:17 Report of progress toward meeting service obligations.

20:10:32:18 Waiver of eligible telecommunications carrier service requirements.

20:10:32:19 Failure to meet service obligations -- Grounds for revocation of certificate.

20:10:32:20 Request for negotiations.

20:10:32:21 Submission of negotiated agreement for approval.

20:10:32:22 Submission of written comments on negotiated agreement -- Submission of response.

20:10:32:23 Commission decision on negotiated agreement.

20:10:32:24 Request for mediation.

20:10:32:25 Response to request for mediation.

20:10:32:26 Mediation conducted by commission staff.

20:10:32:27 Statement of issues.

20:10:32:28 Confidentiality of mediation -- Settlement proposals.

20:10:32:29 Petition for arbitration.

20:10:32:30 Response to petition for arbitration.

20:10:32:31 Arbitration conducted as a contested case -- Prehearing conference.

20:10:32:31.01 Participation by non-parties.

20:10:32:32 Commission decision on petition for arbitration.

20:10:32:33 Commission approval of arbitrated agreement.

20:10:32:34 Submission of written comments on arbitration agreement -- Submission of response.

20:10:32:35 Commission decision on arbitrated agreement.

- 20:10:32:36 Commission decision on agreement containing both arbitrated and negotiated provisions -- Submission of separate agreements.
- 20:10:32:37 Rural exemption from negotiation and interconnection requirements.
- 20:10:32:38 Notice to commission of request.
- 20:10:32:39 Petition for suspension or modification of interconnection requirements.
- 20:10:32:40 Copy of petition to affected local service providers.
- 20:10:32:41 Timeline for reviewing petition.
- 20:10:32:42 Designation of eligible telecommunications carriers.
- 20:10:32:43 Eligible telecommunications carrier petitions.
 - 20:10:32:43.01 Demonstration of commitment to provide service.
 - 20:10:32:43.02 Submission of two-year plan.
 - 20:10:32:43.03 Demonstration of ability to remain functional in emergency situations.
 - 20:10:32:43.04 Demonstration of ability to satisfy consumer protection and service quality standards.
 - 20:10:32:43.05 Offering of comparable local usage plan, Repealed.
 - 20:10:32:43.06 Provisioning of equal access, Repealed.
 - 20:10:32:43.07 Public interest standard.
- 20:10:32:44 Existing eligible telecommunications carrier designations not affected.
- 20:10:32:45 Determining the applicable service area.
- 20:10:32:46 Copy of petition to other eligible telecommunications carriers.
- 20:10:32:47 Designation of eligible telecommunications carrier for unserved areas.
- 20:10:32:48 Relinquishment of eligible telecommunications carrier status.
- 20:10:32:49 Revocation of eligible telecommunications carrier status.

- 20:10:32:50 Monitoring of competitive local exchange services.
- 20:10:32:51 Use of universal service support.
- 20:10:32:52 Annual certification requirements for designated eligible telecommunications carriers.
- 20:10:32:53 Requirements for previously designated eligible telecommunications carriers and pending applications, Repealed.
- 20:10:32:54 Certification requirements.
- 20:10:32:55 Lifeline and link-up advertising requirements -- Annual report on outreach efforts.
- 20:10:32:56 Petition for waiver -- Granting of waiver.

20:10:32:03. Certificate of authority for local exchange service -- Application requirements. A telecommunications company required by SDCL chapter 49-31 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 for good cause 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 the applicant will provide local exchange services, if different than in subdivision (1) of this section;

(4) A copy of its certificate of authority to transact business in ~~South Dakota~~ this state 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~~ containing the following ~~specific description of~~ information about the types of services the applicant seeks to offer and how the services will be provided ~~including~~:

(a) ~~Information indicating the~~ The classes of customers the applicant intends to serve;

(b) ~~Information indicating the extent to and time frame by which~~ The date the applicant ~~will is to provide service and the extent to which service is to be provided~~ through the use of ~~its~~ the applicant's own facilities, the purchase of unbundled network elements, or resale;

(c) A description of all facilities that the applicant ~~will~~ shall utilize to furnish the proposed local exchange services, including any facilities of underlying carriers; and

(d) ~~Information identifying the~~ The types of services ~~it the applicant~~ seeks authority to provide ~~by~~, with reference to the general nature of ~~the~~ each service;

(7) A description of the applicant's experience providing any telecommunications service in this state or in other jurisdictions, the type of service provided, and the date and nature of state or federal authorization to provide the service;

(8) ~~Names and addresses~~ The name and address of any affiliate, parent organization, or subsidiary of the applicant;

(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 twelve-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 name, address, telephone number, and e-mail address of the applicant's representative to whom all commission inquiries must be made regarding customer complaints and other regulatory matters;

(12) The applicant's plan to bill and collect charges from customers who subscribe to its proposed local exchange services;

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

(14) 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) 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 by the applicant;

(16) A list of the states in which the applicant is registered or certified to provide telecommunications services, together with a statement as to whether the applicant:

(a) Has ever been denied registration or certification in any state, and the reasons for any denial;

(b) Is in good standing with the appropriate regulatory agency in any state 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, a description of its target market, a statement as to whether the applicant engages in multilevel marketing, and copies of any company brochure that is to be used to assist in sale of the services;

~~(10) Information regarding the technical competence of~~ (18) The technical competence of
the applicant to provide its proposed local exchange services-including as shown by:

(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~~ Any policy, personnel decision, or arrangements arrangement 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~~ requirement;

~~(11) Information explaining how~~ (19) How the applicant ~~will~~ is to provide customers with access to ~~emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services, and any other emergency service;~~

~~(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) Information detailing the~~ (20) 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)~~(21) 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 the applicant's plans plan 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)~~(22) A written request for waiver of ~~those rules~~ any rule believed to be inapplicable; and

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

~~(25)~~(23) 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~~ the information contained in the application. A company shall notify the commission of any ~~changes~~ change in information provided pursuant to subdivisions (1), (3), (4), and ~~(17)~~ (11) of this section as ~~they occur~~ the change occurs.

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 first 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 this state.~~

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~~ as to why the agreement does not discriminate against any non-party carrier, and an explanation of whether the agreement 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~~ that 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 of an additional eligible telecommunications carrier is in the public interest. ~~In reviewing any proposed additional eligible telecommunications carrier designation within~~ In an area served by a rural telephone company, the commission may not find ~~it~~ the additional designation to be in the public interest if the telecommunications company requesting ~~such~~ the designation is not offering does not offer its services ~~coextensive~~ coextensively 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~~ the designation with the commission. The petition for designation ~~shall include~~ must contain the following information:

(1) The name, address, e-mail, 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 together with~~ 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 47 C.F.R. § 54.101(c) (January 1, 2006), the applicant ~~shall~~ must 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 change to the information provided in subdivision (1) of this section as the change occurs.

A wireless telecommunications company that has received a designation as a wireless Lifeline-only eligible telecommunications carrier shall annually submit to the commission, by

July first of each year, the rates and service plans of any telecommunications service the company provides to its lifeline-only customers.

A lifeline-only provider is an eligible telecommunications carrier whose designation is limited to the lifeline program.

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 and not a wireless Lifeline-only designation, shall submit a two-year plan that ~~describes with specificity~~ details 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 within its application 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~~ improvement is to be made; and

(4) The estimated population that ~~will~~ is to be served as a result of the improvements.

If an applicant ~~believes~~ determines 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~~ is to be otherwise ~~be~~ used to further the provision of supported services in that area.

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

General Authority: SDCL 49-31-3, 49-31-76, 49-31-77, 49-31-81.

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

20:10:32:43.07. Public interest standard. Prior to designating an eligible telecommunications carrier, the commission shall determine that ~~such~~ the designation is in the public interest. ~~The commission shall consider the,~~ based upon the following considerations:

- (1) The benefits of increased consumer choice, ~~the;~~
- (2) The impact of multiple designations on the universal service fund, ~~the;~~
- (3) The unique advantages and disadvantages of the applicant's service offering;
- (4) Any commitments made regarding the quality of the telephone service provided by the applicant, ~~and the~~
- (5) 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;~~ and
- (6) Whether the designation of the applicant ~~will~~ is likely to 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~~ must 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~~ relevant factors, ~~such as disaggregation of support~~ pursuant to 47 C.F.R. § 54.315 (January 1, 2006) by the incumbent local exchange carrier. The creamskimming analysis is not required for a wireless lifeline-only eligible telecommunications applicant.

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

General Authority: SDCL 49-31-3, 49-31-76, 49-31-77, 49-31-81.

Law Implemented: SDCL 49-31-3, 49-31-76, 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~~ Repealed.

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

General Authority: SDCL 49-31-3, 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, containing~~ a clear description of ~~and/or maps detailing its~~ or a detailed map of ~~the carrier's progress towards~~ toward 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~~ The telecommunications carrier must submit information concerning completed or planned network improvement projects ~~should~~ must indicate which wire center areas or local communities are benefited by the improvements and ~~shall~~ must 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~~ thirty minutes in duration for each service area in which ~~an eligible telecommunications~~ a 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~~ provided in 47 C.F.R. § 4.5(e) (January 1, 2006). Information on the outage must include:

- ~~(A)~~(a) The date and time of onset of the outage;
- ~~(B)~~(b) A brief description of the outage and its resolution;
- ~~(C)~~(c) The particular services affected by the outage;
- ~~(D)~~(d) The geographic areas affected by the outage;

~~(E)~~(e) The steps taken to prevent a similar situation in the future; and

~~(F)~~(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,~~ with details about any attempts by the carrier 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~~ during the previous calendar year;

(6) Certification that the carrier 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 has been designated as an eligible telecommunications carrier is exempt from the requirements of 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 49-31-3, 49-31-76, 49-31-77, 49-31-81.

Law Implemented: SDCL 49-31-3, 49-31-76, 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~~ provide written notification of 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 electronic form provided directly to the existing customers. A carrier shall provide written notification, in either print or electronic form, of lifeline and link-up assistance programs to any new customer residing in the carrier's designated service area ~~shall receive written notification of lifeline and link-up assistance programs within 30~~ thirty days after ~~receiving the customer receives~~ telecommunications services. ~~An eligible telecommunications~~ A 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~~ a carrier shall submit a report to the commission ~~on its~~ the carrier's outreach efforts designed to increase participation in the lifeline and link-up assistance programs ~~to the commission~~. ~~The report~~ carrier shall ~~be filed~~ file by ~~June~~ July first of each year ~~and shall its report on the~~ eligible telecommunications carrier's outreach activities for the previous calendar year.

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

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

General Authority: SDCL 49-31-3, 49-31-76, 49-31-77, 49-31-81.

Law Implemented: SDCL 49-31-3, 49-31-76, 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 and shall mark 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~~ must 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 must 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 49-31-3, 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 unplanned outage on a facility that is owned, operated, leased, or utilized by the local exchange company, report to each 911 public safety answering point serving the affected local service ~~areas~~ area, to the local area broadcast media serving the affected local service ~~areas~~ area, and to the commission. The report shall contain pertinent information concerning any ~~specific~~ occurrence or development ~~which~~ that 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~~ is to be completed and the 911 service restored.

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

General Authority: SDCL 49-31-3, 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 or~~ cost of gas lost, of the operator or ~~others~~ another, or both, in the aggregate amount 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)~~(2) "Incident docket," a docket opened with the commission upon the initiation of an investigation of an incident;

~~(4)~~(3) "Incident report," the report drafted by an inspector after an incident;

~~(5)~~(4) "Inspection," a review of the books, files, records, reports, supplemental data, other documents and information, and an examination of the plant, property, and facilities of a pipeline operator to ensure compliance with applicable pipeline safety standards;

~~(6)~~(5) "Inspection report," the report drafted by an inspector after an inspection of any type, except for an incident;

(6) "Inspector," a pipeline safety inspector employed by, or contracted as, an agent of the commission; 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~~ this state.

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~~.