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June 1, 2018

Ms. Patty Van Gerpen, Executive Director  
South Dakota Public Utilities Commission  
500 E. Capitol Ave.  
State Capitol Building  
Pierre, SD 57501

Re: Docket TC18-013 – In the Matter of the Petition for a Declaratory  
Ruling Determining Competitive Local Exchange Carrier  
Processes for Requesting 9-1-1 Traffic Delivery from Rural  
Local Exchange Carriers

Dear Ms. Van Gerpen:

Regarding the above referenced docket and the Petition for a Declaratory Ruling filed by the South Dakota 911 Coordination Board (“Board”), South Dakota Network, LLC (“SDN”) hereby submits the following comments.

The specific question stated by the Board in the current docket is: “Does South Dakota law required bona fide requests as a prerequisite to determining if RLEC exemptions do or do not apply when a CLEC is requesting delivery of 9-1-1 traffic from an RLEC, assuming voluntary agreements are not feasible?”

Based on the language of the Petition filed in TC18-013, SDN considers the scope of the question presented to be more limited than the question presented in the Board’s prior Petition for Declaratory Ruling addressed in Docket TC17-063, in which Docket SDN applied for and was granted intervention. Specifically, the question presented in this proceeding appears limited to simply determining what legal process or procedures apply to a CLEC entity that seeks interconnection with RLECs for 911 traffic transmission purposes. The question raised in the current Petition, unlike that raised in the Board’s prior filing, does not seek a Commission determination related to actual transport and compensation obligations.

Accordingly, as of this time, it does not appear that SDN has a direct and substantial interest in this new Docket, and thus SDN has decided to forego intervention in the proceeding. Should it later become evident that the Commission interprets the question presented for declaratory ruling more broadly or if the question is later amended in any way to bring the issues of transport obligations and responsibilities into the ambit of this process, SDN reserves the right to submit a late-filed Petition to Intervene as is allowed pursuant to the provisions of ARSD §20:10:01:15.02.

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Thank you for your assistance in filing and distributing copies of these comments.

Sincerely yours,

RITER, ROGERS, WATTIER & NORTHRUP, LLP

By: *Darla Pollman Rogers*  
Darla Pollman Rogers

DPR-wb

cc: Service List