



South Dakota Telecommunications Association

Advocating for South Dakota's Rural Broadband Providers

May 31st, 2018

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

RE: Docket TC18-013 - In the Matter of the Petition by the Department of Public Safety/9-1-1 Coordination Board 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:

Enclosed for filing in the above referenced docket you will find the electronic original of a "SDTA Petition to Intervene."

As is evidenced by the Certificate of Service attached to the Petition, service has been made to representatives of the 911 Coordination Board and NextGen Communications, Inc..

Thank you for your assistance in filing and distributing copies of this Petition.

Sincerely,

A handwritten signature in black ink, appearing to read "R. D. Coit", written over a circular scribble.

Richard D. Coit
SDTA Executive Director and General Counsel

CC: Service List

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE PETITION FOR A)	
DECLARATORY RULING DETERMINING)	
COMPETITIVE LOCAL EXCHANGE CARRIER)	DOCKET TC18-013
PROCESSES FOR REQUESTING 911 TRAFFIC)	
DELIVERY FROM RURAL LOCAL EXCHANGE)	
CARRIERS)	

SDTA Petition to Intervene

The South Dakota Telecommunications Association ("SDTA") hereby petitions the Commission for intervention in the above captioned proceeding pursuant to SDCL 1-26-17.1 and ARSD §§ 20:10:01:15.02, 20:10:01:15.03 and 20:10:01:15.05. In support hereof, SDTA states as follows:

1. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota.

2. On or about May 11, 2018, following this Commission's "Order Dismissing Petition for Declaratory Ruling" issued in Docket TC17-063, the South Dakota 911 Coordination Board (as an entity attached to the South Dakota Department of Public Safety) filed a second Petition for Declaratory Ruling with the Commission asking for a ruling from the Commission on the following revised question: "Does South Dakota law require 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?"

3. All of the SDTA member companies operate as "rural telephone companies" for purposes of the Federal Telecommunications Act of 1996 and also the related state laws enacted in 1998 addressing local exchange competition (SDCL § 39-31-69, et. seq.). As

rural telephone companies engaged in the provisioning of voice communication services to local end user subscribers, every SDTA member company is involved in the origination of 911 calls destined for Public Safety Answering Points (PSAPs) located throughout the State of South Dakota. As such, all SDTA member companies have an interest in and stand to be impacted by a Commission decision on the question raised in the 911 Coordination Board Petition relating to transmitted 911 traffic. SDTA seeks intervention herein based on the individual interests of each of its member incumbent local exchange carriers (ILECs) and based on their common interests to ensure that all federal and state laws pertaining to the issue at hand are properly considered, interpreted and applied.

4. SDTA was previously granted intervening party status in PUC Docket TC15-062 wherein NextGen received from this Commission a Certificate of Authority to provide competitive local exchange and interexchange long distance services in the State of South Dakota. In addition, SDTA was granted intervening party status by this Commission in the recently closed Docket TC17-063 involving the 911 Board's prior Petition for Declaratory Ruling. The same material interests that supported SDTA's intervention in these prior Commission proceedings support granting SDTA intervention in this current proceeding.

5. It should further be noted that the Joint Stipulation between SDTA and NextGen filed and approved by the Commission in Docket TC15-062 contained the following specific language related to carrier transport obligations and 911 calls:

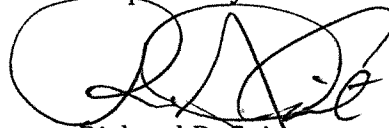
"NextGen has indicated to SDTA that it does not provide for the origination of the 911 call, indicating that it does not believe that it has any responsibility for the transport of 911 traffic until it reaches its centralized point of interconnection (POI) in South Dakota. SDTA does not agree with this stated assessment or position. NextGen's centralized POI will in many cases be far removed from existing rural carrier service areas and, relative to 911 traffic origination, 911 traffic exchange arrangements have historically recognized

the local character of 911 calls and the more limited geographic presence of rural telephone companies -- 911 originated calls destined to centralized POI(s) of the statewide 911 services provider have generally been picked up at or near rural telephone company service areas, at long established "meet points. The Parties agree that any certification(s) issued by the Commission in this proceeding granting any local exchange service or interexchange service authority to NextGen will not address this unresolved issue, and shall not affect or constitute any precedent relative to this, as of yet, unresolved transport obligations issue relating to the carriage of originated 911 traffic. In addition, neither this Stipulation nor any final Commission Order issued in this Docket shall preclude either SDTA, its member companies, or NextGen from later initiating a separate proceeding or proceedings with this Commission for a resolution of and to obtain compensatory relief that may be due related to this unresolved transport obligations issue.

6. Based on the foregoing, SDTA should be viewed as an interested party in this matter and seeks intervening party status.

Dated this 31st day of May, 2018.

Respectfully submitted:



Richard D. Coit
Executive Director and General Counsel
SDTA
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CERTIFICATE OF SERVICE

I hereby certify that an original of the Petition for Intervention, dated October 30, 2017, filed in PUC Docket TC17-063, was served upon the PUC electronically, directed to the attention of:

Ms. Patty Van Gerpen, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
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patty.vangerpen@state.sd.us

A copy was also sent by e-mail and/or US Postal Service First Class mail to each of the following individuals:

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Dated this ~~31st~~ day of May, 2018



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