

BEFORE THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)
CHEYENNE RIVER SIOUX TRIBE) TC 19-049
TELEPHONE AUTHORITY AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER FOR)
PURPOSES OF LIFELINE ONLY IN THE)
TIMBER LAKE EXCHANGE)

**AMENDED PETITION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER**

Pursuant to 47 U.S.C. § 214(e)(2), ARSD § 20:10:32:42 and the rules and regulations of the Commission, Cheyenne River Sioux Tribe Telephone Authority (CRSTTA or the Company), requests that the Commission designate CRSTTA as an eligible telecommunications carrier (ETC) in the contiguous Timber Lake exchange. In support of this Petition, CRSTTA submits the following.

I. Background

Established in 1958, CRSTTA was the first tribally owned telephone company in the United States. The Company currently serves approximately 2,570 customers in Eagle Butte, Dupree, Isabel, LaPlant, and South Dupree, SD. In 2010, with funding from a RUS loan, CRSTTA deployed a \$37.8 million Fiber To The Premise (FTTP) project to bring broadband to every residence and business it serves. The Company currently offers voice services, as well as broadband and video service to its customers. SDN Communications installed fiber to critical anchor institutions in Timber Lake, which facilities have since been acquired by CRSTTA. CRSTTA, through its subsidiary C.R.S.T. Telecom, Inc, is currently planning to deliver high speed broadband to the remaining Timber Lake Exchange¹ where feasible in the coming years.

CRSTTA has already received an award to assist in its endeavor to expand broadband in the City of Timber Lake in the Timber Lake Exchange. South Dakota recently awarded over \$5 million in grants through its Connect South Dakota program designed to fund broadband projects in unserved and underserved areas throughout the state. As a part of this program, CRSTTA earned

¹ CRSTTA plans to adopt the current CenturyLink map on file for the Timber Lake Exchange.

a \$474,500 grant award to assist the Company in building FTTP to serve additional customers in the Timber Lake Exchange.

The Commission previously approved CRSTTA's Certificate of Authority, authorizing the Company to service the Timber Lake Exchange as a CLEC.

II. Petition

1. CRSTTA is a tribal corporation and a competitive local exchange carrier (CLEC) in the Timber Lake Exchange. CRSTTA's principal place of business is 625 N. Main Street, Eagle Butte, SD 57625. The contact for this Petition is Mona L. Thompson, General Manager, (605) 964-2600, monat@lakotanetwork.com.

2. Upon designation as an ETC, the Company will provide the supported services throughout the requested designated service area and offer Lifeline to qualified low-income consumers and is requesting a proposed effective date of January 1, 2020.

3. The Company requests ETC designation for the contiguous Timber Lake Exchange within Corson County and Dewey County, South Dakota, for which it is a certified CLEC.²

4. Title 47 U.S.C. § 214(e)(1) provides that an ETC shall be eligible to receive universal service support in accordance with section 254 of the Act and shall, in the service area for which the designation is received, offer the services that are supported by federal universal service support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services, and shall advertise the availability of such services and their costs using media of general distribution. The FCC has promulgated a list of the services or functionalities that shall be supported by federal universal service support mechanisms at 47 C.F.R. § 54.101.

5. CRSTTA is not seeking additional time to complete network upgrades pursuant to C.F.R. § 54.101(c) as it anticipates its initial deployment within the City of Timber Lake will be completed by December 31, 2019.

6. Designation of the Company as an ETC is in the public interest. Competition furthers the goals of telecommunications service and provides the consumer with a greater choice of providers and service choices, which will in turn result in market-driven prices and quality. The

² In accordance with 47 C.F.R. § 54.202(c), CRSTTA is sending a copy of its Petition to the relevant tribal government and tribal regulatory authorities.

Company is not requesting designation in any rural areas (rural as defined by 47 USC § 54.201(c)). Granting the Company ETC status will advance principles of customer service by providing increased competition and a state of the art FTTP network and is therefore in the public interest.

The designation of the Company as an ETC will offer Lifeline-eligible customers a greater choice of providers for accessing telecommunications services not available to such customers today and should likely expand participation of qualifying customers in the Lifeline program. Last, the Company will build out unserved and underserved areas in Dewey County and this designation is in the public interest.

III. Demonstration of Commitment to Provide Service

7. Pursuant to 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.201(d), the Company shall offer the services that are supported by Federal universal service support mechanisms throughout the service area for which designation is received. In addition, the Company commits to provide service throughout its proposed designated service area to all customers making a reasonable request for service. The Company certifies that it will provide service on a timely basis to requesting customers within the Company's service area where the Company's network already passes the potential customer's premises. See 47 C.F.R. § 54.202(a)(1)(i).

8. The Company certifies that it will provide service within a reasonable period of time, if the potential customer is within the Company's ETC service area but outside its existing network coverage, if service can be provided at reasonable cost by: 1) modifying, adjusting or replacing network or customer facilities; or 2) reselling services from another carrier's facilities to provide service. See 47 C.F.R. § 54.202(a)(1)(i).

IV. Submission of Two Year Plan

Pursuant to 47 C.F.R. § 54.202(a)(1)(ii), a carrier seeking ETC designation must submit a five-year plan that describes proposed improvements or upgrades to the Company's network, and this Commission requires a two year plan pursuant to ARSD § 20:10:32:43.01. CRSTTA will deploy fiber to the premise in the town of Timber Lake during phase one. This network will pass all 213 locations within the town. The deployment includes approximately 11 miles of mainline and drop fiber and is to be completed by December 31, 2019. The Company then hopes to deploy fiber to the premise to the rest of the exchange, as feasible during phase two. There is no timeline

in place regarding phase two. CRSTTA is financially viable to provide the services herein. The service quality will be greatly increased due to the fiber project.

IV. Emergency Situations

Pursuant to 47 C.F.R. § 54.202(a)(2), a carrier seeking ETC designation must demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.

The Company provides a minimum of eight hours of back-up power to ensure functionality of voice services without a commercial power source. The Company's back-up power sources include fixed generators and portable generators for remote sites. For the Company's last mile, they have battery backups for AC powered ONTs and have spare ONTs that are maintained at the Company warehouse.

The Company's 10 Gbps middle mile optical transport network is configured in a ring with redundant common cards and power. Additionally, the last mile electronics are equipped with redundant common cards and power.

For the Company's voice switching network, they have deployed a softswitch that has built in redundancy and has the ability to add additional capacity as service requirements demand. The Company has also established PSTN connectivity allowing primary routes to be backed up with diverse overflow trunk groups that are leveraged in the event of the primary route becoming unavailable. For emergency 911 calling, the Company has established diversity across all elements of the circuit path, including softswitch card diversity, and transport diversity.

In the case of isolated groups of customers that may suffer an outage due to a cable cut, CRSTTA maintains sufficient staff and resources to be able to restore customers' service in a timely manner. CRSTTA has emergency service equipment, which is located within the exchange and requires little time to dispatch.

V. Consumer Protection and Service Quality Standards

Pursuant to 47 C.F.R. § 54.202(a)(3), a carrier seeking ETC designation must demonstrate that it will satisfy applicable consumer protection and service quality standards. The Company commits to comply with all applicable Commission and FCC rules concerning consumer protection and service quality.

VI. The Company Shall Offer Required Services

Pursuant to 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(d)(1), CRSTTA shall, throughout the service area for which designation is received, offer the services that are supported by Federal universal service support mechanisms defined in 47 C.F.R. § 54.101(a). These services include: (1) Eligible voice telephony services must provide voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying low-income consumers as provided in subpart E of 47 C.F.R. § 54.101; and (2) Eligible broadband Internet access services must provide the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service. CRSTTA can and will provide all of these required services.

VII. The Company Shall Use Its Own Facilities, Or a Combination of Its Own Facilities and Resale of Another Carrier's Services

Pursuant to 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(d)(1), the Company shall use primarily its own FTTP facilities, but at times may resell another carrier's services to offer the services that are supported by federal universal service support mechanisms. CRSTTA is a facilities-based carrier and will primarily use its own state of art FTTP facilities to provide any requested services.

VIII. The Company Will Advertise

Pursuant to 47 U.S.C. § 214(e)(1)(B) and 47 C.F.R. § 54.201(d)(2), the Company shall advertise the availability of the services that are supported by federal universal service support mechanisms and the charges for such services using media of general distribution. The Company may advertise, among other means, via newspaper, mail circular, public and social service agencies and radio and target residential customers with its advertising efforts.

IX. The Company Will Make Available Lifeline Service

Pursuant to 47 C.F.R. § 54.405, the Company shall make available Lifeline service to qualifying low-income consumers and publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service. The Company will make a concerted effort to notify municipal, state, and federal governmental agencies whose clientele may likely benefit the most from having the Company designated as an ETC by the Commission. In addition, the Company may advertise, among other means, via newspaper, mail circular, public and social service agencies and radio and target residential customers with its advertising efforts.

X. Consumer Certification

As of January 15, 2019, the National Verifier had launched in South Dakota.³ Accordingly, the National Verifier will be responsible for the certification of Lifeline subscribers. Consistent with 47 C.F.R. § 54.410, CRSTTA will verify that the consumer is a qualifying low-income consumer and the Company will put in place quality control mechanisms to ensure that only eligible consumers are participating in Lifeline and that the consumer or no one in its household receives duplicate lifeline benefits.

XI. Annual Reporting Requirements

The Company shall comply with all annual reporting requirements for designated ETCs as applicable. CRSTTA has a good understanding of all ETC filings and procedures.

³ See Universal Service Administrative Company, *Verify Subscriber Eligibility* (last visited June 13, 2019), <https://www.usac.org/li/program-requirements/verify-eligibility/process-by-state.aspx>.

XVI. Conclusion

WHEREFORE, the Company respectfully requests designation as an ETC for all the purposes listed above.

Dated this 13th day of December, 2019.

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