



North American Local, LLC ("NAL") respectfully requests clarification of the Order Approving Settlement Stipulation; Order Granting Lifeline-Only Eligible Telecommunications Carrier Designation In Non-Rural and Certain Tribal Lands' Service Areas ("Order") by the Commission on October 5, 2021. Specifically, NAL requests that the Commission clarify NAL's designation as an ETC is as a facilities-based Lifeline provider eligible for federal Lifeline support. This clarification is required to enable NAL to receive federal Lifeline support, consistent with the purpose and intent of NAL's ETC designation as a Lifeline provider. NAL is not requesting any other changes in its ETC designation and affirms its on-going compliance with all requirements of the Order, including the terms and conditions of the Stipulation.

Since its designation as an ETC for purposes of Lifeline support, NAL has engaged with the Tribes within its ETC service area in South Dakota and has found there to be significant interest in its Lifeline offerings, resulting in hundreds of residents of Tribal lands becoming customers of NAL. NAL fully intends to implement its Lifeline offerings in South Dakota in accordance with all applicable requirements, including the Lifeline requirements adopted by the Universal Service Administration Company ("USAC"), to ensure that only eligible consumers obtain Lifeline service.

In its *Order*, the Commission recognized that "NAL will provide Lifeline services to end user customers by using its own facilities or the antenna towers and radio equipment of facilities-based wireless carriers to serve end user customers" and that "[b]y using the facilities of other carriers, NAL is able to provide consumers in different geographic locations with the best coverage and service availability." *Order* at p. 3. USAC is interpreting this language to mean that NAL is a pure wireless reseller in the state of South Dakota, and as such, not eligible to receive federal Lifeline support in South Dakota, even though NAL has hundreds of eligible customers intent on receiving federal Lifeline support through the company. In an email received on February 28, 2022 from Leah Gsell, USAC's Program Integrity Manager, she stated:

"You are correct – we based our decision on the understanding that North American Local was **not** facilities-based. Yes, if we can confirm that the ETC order from the PUC was based on the company being facilities-based, we can approve the SAC request."

As the Commission has found, NAL uses a combination of its own facilities and the facilities of other carriers to provide consumers with the best possible coverage and services, consistent with the universal service requirements found in 47 USC § 214(e)(1)(A) and 47 CFR § 54.201(d)(1) ("either using its own facilities or a combination of its own facilities and resale of

another carrier's services"). Notwithstanding the clarification of North American's designation, NAL reaffirms that it will not use its facilities to transport Lifeline services or build out any future facilities within the state of South Dakota, in accordance with the Stipulation Agreement.

NAL respectfully requests the Commission clarify that the Order designates NAL as a facilities-based ETC eligible for federal Lifeline support. NAL has discussed this request with SDTA, who was a party to the Stipulation, and reaffirmed its intent to remain in compliance with all requirements of the Order, including the terms and conditions of the Stipulation.

Respectfully;



Jorge Bellas, Managing Partner



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