

**BEFORE THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

Application of North American Local, LLC)	
For Designation as an Eligible)	SETTLEMENT STIPULATION
Telecommunications Carrier for Purposes)	TO AMEND ETC APPLICATION AND
of Lifeline Only in the State of South Dakota)	CONDITION ETC DESIGNATION
)	
)	Docket No. TC19-009

It is hereby stipulated and agreed by and between North American Local, LLC (“Applicant”) and the South Dakota Telecommunications Association (“SDTA”), who has been the only active Intervenor in this docket, that this Stipulation may be adopted by the South Dakota Public Utilities Commission (“Commission”) in the above-captioned matter.

In support of its Application for Designation as an Eligible Telecommunications Carrier (“ETC”) for purposes of Lifeline only in South Dakota (“Application”), the Applicant submits this Stipulation and respectfully requests that Commission designate it as an ETC for the purpose of providing Lifeline service in the service area identified herein (“ETC Service Area”).

The Application was filed with the Commission on April 24, 2019. Thereafter, the Applicant provided responses to discovery requests by Staff of the South Dakota Public Utilities Commission (“Staff”) and the SDTA and engaged in discussions with Staff and the SDTA to address areas of concern. Based on these discussions, the Parties entered into this Stipulation supporting the approval of the Application, as modified by the agreed terms.

RECITALS

1. The Applicant is seeking ETC designation for the purpose of providing wireless Lifeline in South Dakota.
2. The Applicant resells Commercial Mobile Radio Services (“CMRS”) and does not have current plans to establish facilities in South Dakota. Specifically, at this time, the Applicant resells T-Mobile, Verizon, and AT&T services.
3. The Applicant acknowledges that reliable CMRS service may not be available throughout all areas of South Dakota.
4. The Applicant provides its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes. However, a consumer cannot dial 911 or E911 absent a sufficient wireless signal.
5. The Applicant provides Lifeline subscribers with E911-compliant smartphone handsets with Wi-Fi and hotspot capability to all Lifeline subscribers. At this time, Applicant makes available the ZTE Blade Vantage and Kyrocera Duraforce smartphone for Lifeline subscribers, but subscribers can use any compatible smartphone on the underlying carriers’ networks.
6. The Applicant no longer requests statewide ETC designation and limits the scope of its service area consistent with the terms specified herein.
7. The Applicant’s Lifeline service experience is primarily serving low-income consumers residing on Tribal lands. Currently, Applicant does not provide service in South Dakota.
8. The Applicant seeks to communicate and advertise its service with residents on Tribal Lands through various outreach initiatives within its service area, including working

with Tribal entities located on Tribal lands. At this time, Applicant does not intend to have a physical storefront presence within its service area.,

9. The Applicant will not rely on tribal resources to either enroll consumers or to distribute phones to consumers. When enrolling residents on Tribal Lands, and when distributing telephones to enrolled residents on Tribal Lands the Applicant will either: (i) be physically present on the reservation through company representatives or (ii) it will engage with the resident directly through telephone for the enrollment process and utilize a shipment method for telephone distribution directly to the consumer.
10. With respect to serving Tribal Lands, Applicant will coordinate with Tribal governments and Tribal service organizations as part of its efforts to (i) engage with Tribes, (ii) undertake outreach initiatives to inform residents of its Lifeline offerings, (iii) enroll new consumers in the Lifeline program, and (iv) provide on-going customer service. Residents of Tribal Lands will be able to obtain Lifeline service by working directly with the Applicant on the application filing process.
11. Applicant will coordinate with Tribal governments prior to offering Lifeline service within their reservation boundaries.
12. In all areas outside of Tribal Lands within its service area, Applicant will work with consumers to ensure all applicable requirements are met during the application filing process.
13. Customer service assistance is available to all customers, 24 hours per day, through the Applicant's 1-800 customer service phone number.

AGREEMENT

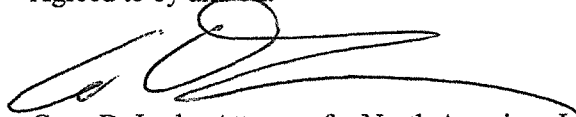
1. The Parties agree the Application shall be amended as follows:
 - a. ETC Service Area. The Applicant withdraws its request for statewide ETC designation. The Parties agree, if the PUC grants ETC designation, the service area shall be limited to: (i) South Dakota CenturyLink wire centers; and (ii) the federally recognized Tribal lands in South Dakota as defined in 47 CFR § 54.400(e), excluding Cheyenne River. Specifically, Tribal lands shall include: Crow Creek, Flandreau Santee, Lower Brule, Pine Ridge, Rosebud, Sisseton-Wahpeton Oyate, Standing Rock, and Yankton.
 - b. Applicant will provide Lifeline service as a wireless reseller, subject to all applicable federal and state requirements.
2. Service Availability and Quality:
 - a. The Applicant agrees only to enroll eligible low-income consumers if it can reliably provide “Supported Services.” “Supported Services” for purposes of this paragraph are defined by 47 CFR § 54.101(a), including access to emergency services, such as 911 service.
 - b. Prior to customer enrollment, Applicant shall evaluate coverage and disclose to the potential customer the reliability of service.
 - c. Prior to customer enrollment, Applicant shall inform potential customers of wireless coverage within its service area. Applicant shall make wireless coverage maps available to new and existing customers either directly or by reference to underlying carrier maps.

- d. Prior to customer enrollment, consistent with applicable rules, Applicant shall, among other things, inform consumers that only one Lifeline service is available per household.
3. The Applicant shall allow any Lifeline customer to cancel service at any time, for any reason, without any penalties.
4. Tribal Engagement. Applicant shall engage with the Tribal government authorities for each Tribal land consistent with applicable Federal Communications Commission (“FCC”) Office of Native Affairs and Policy (“ONAP”) Tribal Engagement Guidelines and shall not serve (*e.g.*, provide Lifeline service) any Tribal lands in South Dakota where Tribal governments oppose Applicant’s provision of service on Tribal lands.
5. Applicant shall comply with all applicable Tribal, local, state, and federal rules and regulations governing the provision of Lifeline service.
6. The Applicant agrees to provide the South Dakota Public Utilities Commission a report, annually with its ETC certification, that includes:
 - a. maps of its underlying carriers’ wireless coverage; and
 - b. a report on Lifeline subscribers, including new subscribers and subscribers that have discontinued Lifeline service.
7. The Applicant agrees to work with the PUC and the PUC Staff to resolve customer complaints including, but not limited to concerns regarding service area or quality of service issues.

8. Universal Service and Lifeline Requirements. Applicant shall comply with all applicable universal service and Lifeline requirements established by the FCC, the South Dakota Public Utilities Commission, and Tribal governments.

Dated: August 19, 2021

Agreed to by and on:



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