

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

IN THE MATTER OF THE PETITION OF)	ORDER GRANTING
CHEYENNE RIVER SIOUX TRIBE TELEPHONE)	DESIGNATION AS A
AUTHORITY FOR DESIGNATION AS AN)	LIFELINE-ONLY ELIGIBLE
ELIGIBLE TELECOMMUNICATIONS CARRIER)	TELECOMMUNICATIONS
IN THE STATE OF SOUTH DAKOTA)	CARRIER
))
)	TC19-049

On October 30, 2019, the Public Utilities Commission (Commission) received a Petition for Designation as an Eligible Telecommunications Carrier from Cheyenne River Sioux Tribe Telephone Authority (CRSTTA or Company) for the purpose of offering the supported services throughout the requested designated service areas and Lifeline services to qualified low-income consumers on a wireline basis in the contiguous Timber Lake exchange within Dewey and Corson County, South Dakota, an exchange in the CenturyLink study area, pursuant to 47 U.S.C. § 214(e) (2) and ARSD 20:10:32:42. CRSTTA is not requesting designation in any rural areas. CRSTTA is requesting a proposed effective date of January 1, 2020.

On October 31, 2019, the Commission electronically transmitted notice of the filing and the intervention deadline of November 15, 2019, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. No petitions to intervene were filed. On December 13, 2019, CRSTTA filed an Amended Petition for Designation as an Eligible Telecommunications Carrier. On December 16, 2019, CRSTTA filed a second Amended Petition for Designation as an Eligible Telecommunications Carrier (Petition).

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, including SDCL 49-31-3 and 49-31-78, 47 U.S.C. § 214, and ARSD 20:10:32:42 and 20:10:32:43.

At its December 20, 2019, meeting, the Commission considered this matter. Commission staff recommended approval.

In order to be designated an eligible telecommunications carrier (ETC), a carrier must offer the supported services, using its own facilities or a combination of its own facilities and resale of another carrier's services, throughout the service area for which the designation is received, and advertise the availability of, and the charges for, those services. 47 U.S.C. § 214(e). The Federal Communications Commission has designated the following services for support by federal universal service support mechanisms: (1) voice grade access to the public switched network or its functional equivalent; (2) minutes of use for local service provided at no additional charge to end users; (3) 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; (4) toll limitation services to qualifying low-income consumers as provided in subpart E of 47 C.F.R. § 54.101; and (5) 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. 47 C.F.R. § 54.101(a). The Commission finds that CRSTTA is able to offer the supported services.

A carrier must offer the supported services "either using its own facilities or a combination of its own facilities and resale of another carrier's services...." 47 U.S.C. § 214(e)(1)(A). In its filing, CRSTTA stated "the Company shall use primarily its own fiber to the premise facilities, but at times may resell another carrier's services to offer the services that are supported by federal universal service support mechanisms." Petition at 5. CRSTTA's proposed service area covers the service territories of Qwest Corporation. The Commission finds that CRSTTA has demonstrated that it will use its own facilities or a combination of its own facilities and resale of another carrier's services.

The carrier must also advertise the availability of such services and the rates for the services using media of general distribution. 47 U.S.C. § 214(e)(1)(B). CRSTTA stated that it will meet this requirement "using media of general distribution," via "newspaper, mail circular, public and social service agencies and radio." Petition at 6. The Commission finds that CRSTTA has demonstrated that it will meet the advertising requirement.

Pursuant to ARSD 20:10:32:43.01, an applicant for ETC status must commit to providing service to customers making a reasonable request for service in the service area. CRSTTA certified 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." Petition at 3. Pursuant to ARSD 20:10:32:43.02, an applicant must provide a two-year plan that explains upgrades or improvements the applicant will make in each wire center. CRSTTA provided a two-year plan describing CRSTTA's proposed deployment. Petition at 3-4. Pursuant to ARSD 20:10:32:43.03, an applicant must demonstrate its ability to remain functional in emergency situations. CRSTTA provided a detailed explanation of processes in place to ensure CRSTTA is able to remain functional in emergency situations. Petition at 4. Pursuant to ARSD 20:10:32:43.04, an applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards. CRSTTA stated that it will comply with all applicable state and federal consumer protection and service quality standards. Petition at 5. Based on the foregoing, the Commission finds that CRSTTA has met the requirements of ARSD 20:10:32:43.01 through 20:10:32:43.04.

Further, in order to designate an applicant as an ETC, the Commission must determine whether such designation is in the public interest pursuant to ARSD 20:10:32:43.07. The Commission finds that CRSTTA's application to become an ETC in the Timberlake Exchange served by Qwest Corporation in South Dakota is in the public interest. No evidence was presented that there were disadvantages to CRSTTA's service offerings. There were no allegations of any detrimental effects that designation of CRSTTA as an ETC would have on the provisioning of universal service by the incumbent local carrier, Qwest Corporation. In addition, there was no indication that designation of CRSTTA as an ETC would have detrimental impacts on the universal service fund. The Commission further notes that CRSTTA has stated that it will provide service throughout the requested service area to all customers making a reasonable request for service.

Pursuant to 47 C.F.R. § 54.201(h), a state commission may not designate an ETC "unless the carrier seeking such designation has demonstrated that it is financially and technically capable of providing the supported Lifeline service in compliance with subpart E of this part." CRSTTA has operated in South Dakota since 1958 and currently serves approximately 2,570 customers in Eagle Butte, Dupree, Isabel, LaPlant, and South Dupree, South Dakota. CRSTTA states that it has "deployed a \$37.8 million Fiber To The Premise (FTTP) project to bring broadband to every residence and business it serves." Petition at 1. 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. CRSTTA stated it 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, radio, public and social service agencies, and target residential customers with its advertising efforts. As of January 15, 2019, the National Verifier hard launched in South Dakota. Accordingly, the National Verifier will be responsible for the certification of Lifeline subscribers. Consistent with 47 C.F.R. § 54.410, CRSTTA stated it 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. Petition at 6. The Commission finds that CRSTTA has demonstrated that it is financially and technically capable of providing Lifeline service. It is therefore

ORDERED, that CRSTTA is hereby designated as an ETC for the Timber Lake exchange, effective January 1, 2020.

Dated at Pierre, South Dakota, this 31st day of December 2019.

CERTIFICATE OF SERVICE	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.	
By:	<u>Adam deHueck</u>
Date:	<u>12/31/19</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner