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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

May 12, 2020

VIA ECFS:

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Attention: Wireline Competition Bureau

Re: CC Docket No. 02-33 – Notice of Permissive Detariffing of Wireline Broadband Internet Access Service by Midstate Communications, Inc. (Study Area Code 391670)

Dear Ms. Dortch:

Pursuant to the Commission's *Wireline Broadband Order*, on behalf of Midstate Communications, Inc., we hereby provide notice of its intent to discontinue offering Wireline Broadband Internet Access Service ("WBIAS") on a tariffed basis. Effective July 1, 2020, Midstate Communications, Inc. plans to offer wireline broadband Internet access service on a permissive detariffed, common carriage basis.

Inquiries may be directed to the undersigned consultant for Midstate Communications, Inc.

Sincerely,

A handwritten signature in black ink that reads 'Marlene Bennett'.

Marlene Bennett
Consortia Consulting
mbennett@consortiaconsulting.com

Attachment

cc: Midstate Communications, Inc.
Special Assistant for Telecommunications, Department of Defense
The Office of the Honorable Kristi Noem, Governor of South Dakota
South Dakota Public Utilities Commission
National Exchange Carrier Association

Ms. Marlene Dortch, Secretary
Federal Communications Commission
May 12, 2020

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Notice of Permissive Detariffing of Wireline Broadband Internet Access Service
Effective July 1, 2020

Midstate Communications, Inc. – Study Area Code 391670

120 East First
PO Box 48
Kimball, SD 57355-0048
Phone: 605-778-6221

CC Docket No. 02-33

Midstate Communications, Inc. ("Company") hereby provides notice that it intends to cease offering Wireline Broadband Internet Access Service (WBIAS) on a tariffed basis under NECA Tariff No. 5. Effective July 1, 2020, the Company will begin offering WBIAS on a Title II, common carriage, permissive detariffed basis pursuant to paragraph 94 of the Federal Communications Commission's Wireline Broadband Order.¹ The geographic areas affected by the change are the Company's exchanges in its service area in South Dakota.

Today, the only customer for this service is the Company's nonregulated Internet Service Provider ("ISP") affiliate. The ISP purchases wireline broadband access service for use as a component in its broadband Internet service sold to residential and business customers. The discontinuance of the tariffed offering of WBIAS will have no effect on the end user service provided by the affiliate.

Effective July 1, 2020, the Company will make its wireline broadband Internet access service available on a permissive detariffed, common carriage basis through posting of rates, terms and conditions on its website and in printed copy during normal business hours at the Company's business office.

¹ See *Appropriate Framework for Broadband Access to the Internet Over Wireline Facilities, Universal Service Obligations of Broadband Providers*, CC Docket No. 02-33, WC Docket No. 05-271, Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 14853 (2005), FCC 05-150 (Rel. September 23, 2005), (Wireline Broadband Order).



120 EAST FIRST • P.O. BOX 48
KIMBALL, SD 57355-0048
PHONE (605) 778-6221 • FAX (605) 778-8080
www.midstatesd.net

May 12, 2020

Midstate Communications
120 East First
Kimball, SD 57355

Re: CC Docket 02-33 – Notice of Permissive Detariffing of Wireline Broadband Internet Access Service by Midstate Communications, Inc. Effective July 1, 2020

Dear Valued ISP Customer:

This is to notify you of a change in the way Midstate Communications, Inc., ("Company") provides broadband Internet access transmission service, which is used as an input for the broadband Internet access services that you offer to residential and business end-user customers.

You are currently purchasing wholesale broadband transport service from our Company under NECA tariff No. 5 ("Tariff"). This letter is to advise you that the Company, Study Area 391670, will discontinue provisioning service on July 1, 2020, pursuant to the Tariff. Services will be made available to you on a common carrier, non-tariffed basis. The existing relevant rates, terms, and conditions will not change until at least the end of your present service arrangement.

Effective July 1, 2020, the rates, terms, and conditions will be available in printed copy during normal business hours at the Company's business office.

The actions described above are taken in accordance with the FCC's Report and Order (FCC 05-150) released September 23, 2005, in Docket No. 02-33. In this order the FCC determined that facilities-based wireline broadband Internet service providers could offer their services on a common carrier, permissively detariffed basis.

No action is necessary on your part. However, if you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'M' followed by a long, sweeping horizontal line that ends in a small upward flick.

Mark Benton
General Manager

CERTIFICATE OF SERVICE

I, Marlene Bennett, Consultant, do certify that I have, on this 12th day of May, 2020:

1. Served by first class mail a copy of the foregoing Notice of Permissive Detariffing of Wireline Broadband Internet Access Service to the following:

The Honorable Kristi Noem
Office of the Governor
State of South Dakota
500 East Capitol Avenue
Pierre, South Dakota 57501

Secretary of Defense
Attn: Special Assistant for Telecommunications
1000 Defense Pentagon
Washington, DC 20301-1000

South Dakota Public Utilities Commission
Capitol Building, 1st Floor
500 E. Capitol Avenue
Pierre, South Dakota 57501-5070

2. Served via paper a copy of the foregoing Notice of Permissive Detariffing of Wireline Broadband Internet Access Service to the following:

Midstate Communications (ISP Affiliate)
120 East First
PO Box 48
Kimball, SD 57355-0048