

BEFORE THE  
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF )  
VENTURE VISION, INC. FOR DESIGNATION ) TC21-\_\_\_\_\_  
AS AN ELIGIBLE TELECOMMUNICATIONS )  
CARRIER )

**APPLICATION FOR DESIGNATION AS AN  
ELIGIBLE TELECOMMUNICATIONS CARRIER**

Venture Vision, Inc. (Venture Vision), by and through its undersigned counsel, hereby petitions the South Dakota Public Utilities Commission (Commission) for designation as an eligible telecommunications carrier (ETC). This application is made pursuant to 47 U.S.C. § 214(e)(1)-(2), SDCL § 49-31-78, A.R.S.D. 20:10:32:42-43 and the applicable rules and regulations of the Commission and the Federal Communications Commission (FCC). Venture Vision requests ETC designation in the State of South Dakota in all census blocks in which it was awarded Rural Digital Opportunity Fund (RDOF) Phase I support in the FCC's RDOF Phase I Auction (Auction 904) as listed in Exhibit A, all of which are within the service area of CenturyLink (CTL), a non-rural carrier. Venture Vision requests that its operation be designated as eligible to receive all available support from the federal Universal Service Fund (USF) including but not limited to, support for rural, insular and high-cost areas and low-income customers. In support of this Petition, Venture Vision submits the following.

**Background**

1. Venture Communications, Inc. was incorporated in South Dakota on April 28, 1986, and is a wholly-owned subsidiary of Venture Communications Cooperative, an incumbent local exchange carrier (ILEC) headquartered in Highmore, South Dakota. The corporation was

formed to provide non-regulated satellite TV services. In October of 2002, Venture Communications, Inc. changed its name to Venture Vision, Inc.

### **RDOF Phase I Auction**

2. Venture Vision has been designated as a recipient of RDOF Phase I Auction support in a portion of Hughes and Spink Counties, awarded by the FCC, as stated in the Public Notice released on December 7, 2020.<sup>1</sup> The FCC's rules require Venture Vision to obtain ETC designation in all of the support-eligible census blocks (RDOF Census Blocks) in which Venture Vision was the successful bidder in the RDOF Phase I Auction within one hundred eighty (180) days of the release of the Public Notice:

Within 180 days after the release of the Auction 904 closing public notice, a long-form applicant is required to submit appropriate documentation of its high-cost ETC designation in all the areas for which it will receive support. Appropriate documentation should include the original designation order, any relevant modifications . . . A long-form applicant is also required to provide documentation showing that the designated areas (e.g., census blocks, wire centers, etc.) cover the relevant winning bid areas so that it is clear that the long-form applicant has high-cost ETC status in each winning bid area.<sup>2</sup>

As a result, Venture Vision requests expeditious action by the Commission so that it may meet the 180 day requirement.

3. The FCC has found that each of the areas in which Venture Vision was named a winning bidder for RDOF support is not served by an incumbent price cap carrier or an unsubsidized competitor that offers both voice and broadband service at speeds of 25/3 Mbps or higher (among other criteria).<sup>3</sup>

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<sup>1</sup> *Rural Digital Opportunity Fund Phase I Auction Closes; Winning Bidders Announced*, AU Docket No. 20-34; WC Docket No. 19-126; WC Docket No. 10-90, DA 20-1422, released December 7, 2020.

<sup>2</sup> *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020 Notice and Filing Requirements and Other Procedures for Auction 904*, AU Docket No. 20-34; WC Docket No. 19-126; WC Docket 10-90 released June 11, 2020 at ¶316.

<sup>3</sup> *Wireline Competition Bureau Releases Preliminary List and Map of Eligible Areas for the Rural Digital Opportunity Fund Phase I Auction*, AU Docket No. 20-34; WC Docket No. 19-126; WC Docket No. 10-90, DA 20-275, released March 17, 2020.

4. The FCC has further found that Venture Vision is financially and technically able to offer the services it seeks to provide in the RDOF Census Blocks by granting its application to participate in the RDOF Phase I Auction.<sup>4</sup>

The FCC has also waived Venture Vision's requirements to submit a five-year improvement plan and a certification committing to implement consumer protection and customer service standards.<sup>5</sup>

#### **Authority for Designation of an ETC**

5. Title 47 U.S.C 214(e)(2) of the Act provides that a state commission shall upon request designate a common carrier as an ETC for a service area designated by the state commission. 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. Further, this application is submitted consistent with A.R.S.D. 20:10:32:43.

6. **Name and Address of Applicant.** The name and address of Applicant is:

Venture Vision  
218 Commercial Ave. SE  
Highmore, SD 57345

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<sup>4</sup> 386 Applicants Qualified to Bid in the Rural Digital Opportunity Phase I Auction (Auction 904), AU Docket No. 20-34; WC Docket No. 19-126; WC Docket No. 10-90, DA 20-1187, released October 13, 2020.

<sup>5</sup> Auction Closing Public Notice, *supra* fn. 1 at footnote 71.

Applicant contact person is:

Randy Houdek, General Manager  
Tel. No. (605) 852-2224  
Email: [randyh@venture.coop](mailto:randyh@venture.coop)

7. **Proposed Effective Date.** The proposed effective date of the designation of ETC status is immediately upon the date the Commission approves this Application.

8. **Service Area.** Venture Vision requests that it be designated as an ETC in all of the census blocks awarded in Auction 904 as depicted in Exhibit A.

#### **Required Services**

9. Pursuant to 47 U.S.C. 214 (e)(1)(A) and 47 C.F.R. 54.201(d)(1), Venture Vision will, throughout the service area for which ETC 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) VoIP voice telephony services providing voice grade access to the switched network or its functional equivalent; minutes of use for local service provided at no additional charge to Company end users; access to emergency services provided by local government of other public safety organizations, including 911 and enhanced 911; and toll limitation services (elimination of toll dialing on a per subscriber basis) to qualifying low-income consumers; (2) Eligible broadband Internet access services which will provide the capability to transmit data to and receive data by wire from all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service. Venture Vision can and will provide all these required services through the provision of VoIP and high-speed broadband Internet services.

### **Facilities Utilized**

10. Pursuant to 47 U.S.C. 214 (e)(1)(A) and 47 C.F.R. 54.201(d)(1), Venture Vision will use primarily its own facilities, but at times may resell another carrier's services to offer the services that are supported by Federal universal service support mechanisms. Venture Vision will install its own state of the art fiber-based facilities to provide any requested services.

### **Services Provided Throughout Designated Service Area**

10. Pursuant to 47 U.S.C. 214(e)(1) and 47 C.F.R. 54.201(d), Venture Vision will offer the services that are supported by federal universal service support mechanisms throughout the service area for which designation is requested, as set forth in Exhibit A. Venture Vision commits to providing service throughout its proposed designated service area to all customers making a reasonable request for service. Venture Vision will provide service on a timely basis to requesting customers within Venture Vision's service area where Venture Vision's network already passes the potential customer's premises or will pass, consistent with FCC RDOF buildout requirements.<sup>6</sup> Venture Vision further certifies that it will provide service within a reasonable period of time within its designated area, if the potential customer is within Venture Vision's ETC service area but outside its existing network coverage, if service can be provided at a reasonable cost by: 1) extending, modifying, adjusting, or replacing network or customer facilities; or 2) reselling services from another carrier's facilities to provide service, all as required by 47 C.F.R. 54.202(a)(1)(i) and A.R.S.D. 20:10:32:43.01.

### **Advertisement of Services**

11. Pursuant to 47 U.S.C. 214(e)(1)(B) and 47 C.F.R. 54.201(d)(2), Venture Vision will advertise the availability of its services that are supported by federal universal service support

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<sup>6</sup> 47 C.F.R. § 54.202(a)(1)(i).

mechanisms and the charges therefore using media of general distribution. Venture Vision may advertise, among other means, via newspaper, bill inserts, and its website.

### **Lifeline Service**

12. Pursuant to 47 C.F.R. 54.405, Venture Vision will make Lifeline service available to qualifying low-income consumers and publicize the availability of Lifeline service in a manner reasonably designated to reach those likely to qualify for the service. Venture Vision will make a concerted effort to notify municipal, state, tribal and federal governmental agencies whose clientele may likely benefit the most from having Venture Vision designated as an ETC by the Commission. Venture Vision may advertise, among other means, via newspaper, bill inserts and on its website. Venture Vision will indicate in materials describing the service, using easily understood language, that it is a Lifeline service provider, that Lifeline is a government assistance program, the service is non-transferable, only eligible consumers may enroll in the program, and the program is limited to one discount per household. In the event a subscriber no longer qualifies for the program, Venture Vision will de-enroll the subscriber from the program appropriately as defined in 47 C.F.R. 54.405(e).

### **Emergency Situations**

13. Pursuant to 47 C.F.R. 54.202(a)(2) and A.R.S.D. 20:10:32:43.03, 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. Venture Vision has a reasonable amount of back-up power to ensure functionality of voice services without a commercial power source. Venture Vision will offer extended runtime battery backup (24 hours)

as a purchasable option to its end users and will send out annual notices to current customers of their backup options. In addition, Venture Vision has elected to continue to provide a standard level of battery backup with every FTTH install. Venture Vision's normal process is to install a 12 volt, 36 watt, 7.2Amp hour battery backup power source on every ONT (Optical Network Terminal) unit, which should allow for 8 hours of normal phone use. With regard to battery backup of broadband services, it is a normal practice for the ONT to discontinue all data services upon detection of a power outage condition to allow for maximum runtime of phone services. If a broadband only customer requests continuation of data services in case of a power outage, Venture Vision will allow for data services to be supported with the backup power source, but the operational runtime of all services may be shortened.

Venture Vision's transport connections for this project will be constructed in a ring architecture, which provides alternate connections to the "upstream" nodes for all traffic. If one link is "out-of-service" or unavailable, the OLT (Optical Line Terminal) and transport equipment will dynamically route the traffic onto the alternate route. The resilience of this ring configuration of the network enables Venture Vision to ensure a high level of survivability between all aggregation points in the network. With it, Venture Vision can survive cable damages and manage traffic spikes resulting therefrom without impact to customer traffic. If there is a failure of Venture Vision's main route, voice traffic can be rerouted to a redundant back-up route.

#### **Ability to Satisfy Consumer Protection and Service Quality Standards**

14. 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. Venture Vision commits to comply with all applicable Commission and FCC rules concerning consumer protection and service quality throughout its ETC designated service area.

### **Financial/Technical Capability to Provide Lifeline**

15. 47 C.F.R. 54.202(a)(4) requires a common carrier seeking ETC designation for Lifeline support to demonstrate it is financially and technically capable of providing Lifeline service in compliance with the Commission's rules. Venture Vision shares employees and financial resources with its parent company, Venture Communications Cooperative. In addition to the RDOF Phase I support being made available to Venture Vision, it will also rely on the resources of its parent company, who has the financial and technical capability to provide Lifeline.

### **Lifeline Service Plans to Eligible Consumers**

16. 47 C.F.R. 54.202(a)(5) and (6) of the FCC's rules require a common carrier seeking ETC designation for Lifeline support to submit information describing the terms and conditions of the voice and broadband plans offered. Venture Vision will provide a VoIP-based voice service to eligible customers, which will include unlimited local usage. Access to 911 and enhanced 911, to the extent local governments have implemented it, will be provided. Venture Vision will also provide toll limitation service and One Lifeline service (voice or broadband) to qualifying households. Venture Vision will follow all Lifeline program rules and guidelines, including requiring all customers to maintain their Lifeline eligibility through the Lifeline National Verifier as defined in 47 C.F.R. 54.404, 54.404, and 54.409. Venture will provide Lifeline broadband Internet access service with the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of service.

### **Waiver of Two Year Plan**

17. Since this request is pursuant to the FCC's award of RDOF funding, Venture Vision requests the Commission to waive the requirement to submit a two-year network plan pursuant to



A.R.S.D. 20:10:32:43:02. Venture Vision will be required to meet all buildout and public interest reporting requirements for the RDOF support found in 47 C.F.R. 54.316. Further, all buildout progress will be included in Venture Vision's annual ETC recertification requests, which will keep the Commission informed of Venture Vision's progress in meeting buildout and service goals.

### **Public Interest**

18. Designation of Venture Vision as an ETC is in the public interest because it will increase consumer choice, improve service quality, enhance health and safety benefits, and enhance competition. Venture Vision will deploy state of the art FTTH services in the census blocks in Exhibit A, which will better serve these communities. These customers, who have been waiting for better broadband for years will now have access to Gigabit speeds and better voice service. Venture Vision will ensure that the federal universal service support is used efficiently and effectively. In addition, the designation of Venture Vision as an ETC will offer Lifeline-eligible customers a greater choice of providers for accessing telecommunications services that may not be available today.

### **Service and Performance Quality Requirements**

19. Pursuant to 47 C.F.R. 54.309(a), Venture Vision certifies that it will comply with the service requirements applicable to the support it receives, including the requirements of RDOF Phase I support, and will provide additional information in this regard as part of its FCC Form 683 application, including a certification from a professional engineer that the fiber optic network is capable of delivering voice and broadband service that meets the requisite performance requirements and sufficient capacity to meet customer demand at or above the prescribed levels during peak usage periods.<sup>7</sup>

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<sup>7</sup> See 47 C.F.R. 54.309.

**Annual Reporting Requirements**

20. Venture Vision will comply with all annual reporting requirements for designated ETCs as applicable.

**Denial of Federal Benefits**

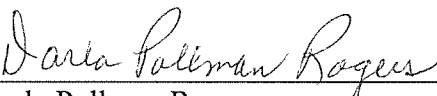
21. Venture Vision hereby certifies that it is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, as implemented in Section 1.2002 of the Commission's rules.

**Conclusion**

WHEREFORE, Venture Vision requests that the Commission (1) enter an Order designating Venture Vision as an ETC for its requested ETC service area as shown on Exhibit A hereto, and (2) certify to the FCC that Venture Vision will use the support for its intended purpose. Venture Vision requests expeditious action by this Commission.

Dated this 19<sup>th</sup> day of February, 2021.

RITER ROGERS, LLC

  
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