
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE PETITION
OF FIBER RING REVENUE-POOLING
ASSOCIATION FOR APPROVAL OF
AMENDED DOCUMENTS AND
ADDITIONAL TRAFFIC CLASS

DOCKET NUMBER TC21-____

PETITION

COMES NOW Darla Pollman Rogers, of Riter Rogers, LLP, 319 South Coteau Street, Pierre, South Dakota 57501, attorney for the Fiber Ring Revenue-Pooling Association (“FRRPA”), and represents and petitions to the South Dakota Public Utilities Commission (“Commission”) as follows:

BACKGROUND INFORMATION

1. Pursuant to SDCL § 49-31-83, FRRPA was organized on March 17, 1999, to provide a pooling mechanism for a collective, cost shared, cost averaged, nondistance sensitive fully-protected transport network for local exchange companies (“LECs”) whose traffic is carried on any of the joint South Dakota LEC and South Dakota Network, LLC (“SDN”) SONET (“Synchronous Optical Network”) ring transport facilities. As a result of this pooling mechanism, the FRRPA users have had the benefit of survivable, distance insensitive, and highly reliable toll, public Internet transport, 911/E911 transport, extended area service transport, Ethernet, and redundant capacity. The fully-integrated SONET ring transport facilities also enable the LECs in South Dakota to more efficiently meet the infrastructure deployment goals described in SDCL §§ 49-31-60 and 49-31-61.

2. FRRPA’s pooling arrangement was first approved by this Commission on July 20, 2000 (Docket TC00-084). Since that time, FRRPA has filed Petitions with this Commission amending

the pooling contracts among FRRPA, SDN and member LECS, including amendment of rates and addition of traffic classes (*see* Docket TC05-173, Docket TC08-137, Docket TC11-070, Docket TC14-005, and Docket TC21-017).

3. The current pooling contracts among FRRPA, SDN, and member LECs will expire at the end of 2021. In addition, amendments have been made to FRRPA's Articles of Incorporation and Bylaws. Finally, FRRPA seeks to add another traffic class to its offerings. The purpose of this filing is to seek Commission approval of the revised documents and additional traffic class.

FRRPA'S ORGANIZATIONAL DOCUMENTS

4. FRRPA is a South Dakota non-profit corporation organized under SDCL 47-22 and was issued a charter by the South Dakota Secretary of State on March 17, 1999. Copies of the Certificate of Incorporation and FRRPA's original Articles of Incorporation as filed with the Secretary of State are attached hereto as Exhibit 1.

5. FRRPA's Articles of Incorporation have not been amended since originally filed with the Secretary of State. The initial FRRPA Board of Directors adopted Bylaws for the corporation. The original Articles of Incorporation and Bylaws were submitted to this Commission for approval in FRRPA's filing for approval of its pooling arrangement and rates in Docket TC00-084. FRRPA submitted amended Bylaws to this Commission for approval in 2005 (*see* Docket TC05-173). FRRPA has approved Restated Articles of Incorporation and has amended FRRPA's Bylaws. A copy of the Restated Articles of Incorporation is attached hereto as Exhibit 2. A copy of the amended Bylaws is attached hereto as Confidential Exhibit 3.

6. The goals of FRRPA are the same as when FRRPA was originally organized and approved by the Commission. The amendments and revisions to FRRPA's organization

documents for which FRRPA is seeking approval in this docket are necessary updates and do not change the underlying principles of FRRPA.

FRRPA CONTRACTS

7. SDN and the LECs who are members of FRRPA own portions of the rings and provide those facilities through contractual agreements among SDN, LECs, and FRRPA. Said contractual agreements are SONET Ring Provider (SRP) Agreements, and each company providing facilities has executed an SRP Agreement with FRRPA. The SRP Agreements were part of the original FRRPA filing (TC00-084) and were amended in 2005 (TC05-173) and in 2008 (TC08-137).

8. SDN and LECs that use FRRPA facilities have executed Ring User Local (RUL) Exchange Company Agreements. The RUL Agreements were also part of the original FRRPA filing and were amended in 2005 and in 2008.

9. The amended FRRPA contracts approved by the Commission on February 5, 2009 expire December 31, 2021. FRRPA, LECs, and SDN have negotiated new contracts to become effective January 1, 2022. FRRPA is seeking approval from the Commission of the revised contracts. The revised agreements extend the terms of the SRP and RUL contracts, include revisions to recognize recent network upgrades, and generally update the language/provisions of the agreements. The agreements between SDN and FRRPA, formerly SDN-SRP and SDN-RU (Ring User) agreements, have been combined into one contract between FRRPA and SDN entitled SDN-FRRPA Network Agreement.

10. A copy of each amended contract is attached hereto as follows:

- Confidential Exhibit 4 – LEC/FRRPA SRP Agreement
- Confidential Exhibit 5 – LEC/FRRPA RUL Agreement
- Confidential Exhibit 6 – SDN-FRRPA Network Agreement

Exhibits to the amended agreements reflect all approved and updated rates and current traffic classes.

NEW TRAFFIC CLASS

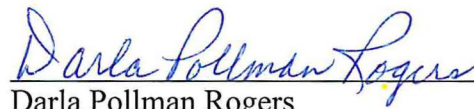
11. FRRPA seeks approval of the addition of another public internet port rate element option to member company ring users. This traffic class will allow FRRPA RULs the ability to continue to provide advanced services to their customers by providing a larger capacity internet circuit. Confidential Exhibit 7 is Exhibit C to the RUL Agreements, and it is red-lined to indicate the new traffic class and proposed rate.

12. Addition of a new internet port rate element will not affect any other traffic classes and rates. The proposed effective date for availability of the new traffic class to member LEC ring users is December 1, 2021.

WHEREFORE, FRRPA requests that the Commission:

1. Find that the FRRPA pooling arrangement is in the public interest;
2. Approve FRRPA's Restated Articles of Incorporation and amended Bylaws;
3. Approve the revised FRRPA contracts;
4. Approve the additional traffic class and rate thereof as set forth in Confidential Exhibit 7; and
5. Grant such other and further relief as the Commission deems necessary to carry out the objectives of FRRPA and this filing.

DATED this 8th day of October, 2021.



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