

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF)	PETITION FOR WAIVER OF ARSD
CLARIFICATION OF THE)	20:10:32:52 FILING DEADLINE
COMMISSION'S ETC)	
CERTIFICATION PROCESS)	TC22-_____
)	
)	

The South Dakota Telecommunications Association (SDTA), by and through its attorney, requests the Commission waive the June 1 deadline found in ARSD 20:10:32:52 and require a July 1, 2022, deadline for 2023 ETC recertification filings. In support of the Petition, SDTA asserts the following:

1. SDTA is an incorporated organization representing the interest of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota.
2. All SDTA member companies operate as “rural telephone companies” and “eligible telecommunications carriers” (ETCs) under the Federal Telecommunications Act of 1996 and under applicable state laws.
3. The South Dakota Public Utilities Commission (Commission) annually certifies ETCs with the Universal Service Administrative Company and the Federal Communications Commission. Specifically, the relevant Administrative Rule states:

20:10:32:52. Annual certification requirements for designated eligible telecommunications carriers. Consistent with 47 C.F.R. §§ 54.313 and 54.314 (January 1, 2006), an eligible telecommunications carrier shall request the commission to file an annual certification with the Universal Service Administrative Company and the Federal Communications Commission stating that all federal high-cost support provided to the carrier will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. An eligible telecommunications carrier shall file its request for

annual certification with the commission on or before August 1, 2006, and by June first of each year thereafter. Failure of an eligible telecommunications carrier to file by the deadline may result in the commission's inability to provide certification to the Universal Service Administrative Company and the Federal Communications Commission by the following October first.

4. The waiver would allow for the ETC filing to be filed at the same time as other FCC requirements (FCC Form 481) are due to the FCC under 47 CFR §54.313.

5. In Docket TC13-027, the Commission waived certain ETC requirements, including the June 1 filing deadline contained in ARSD 20:10:32:52.

6. The purpose for the waiver is to align the South Dakota filing timeline with that of the FCC. The waiver, and alignment of regulatory requirements, results in regulatory, judicial, and economic efficiency.

7. The Order in Docket TC13-027 impacted years 2013, 2014 and 2015. Then, in 2016 and all years thereafter, the waiver was granted. See PUC Dockets: AA-16-002, AA17-001, AA18-001, AA19-001, AA20-001, and AA21-001.

8. SDTA requests the waiver once again be entered by the Commission. Specifically, SDTA requests the Commission Order that: The June 1 deadline in ARSD 20:10:32:52 is waived and ETCs shall file their annual certification petitions on or before July 1, 2022.

Dated this 17 day of March, 2022

/s/ Kara Semmler

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