

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

**IN THE MATTER OF THE PETITION OF )  
AIRVOICE WIRELESS, LLC DBA AIR TALK WIRELESS )  
FOR DESIGNATION AS AN )  
ELIGIBLE TELECOMMUNICATIONS CARRIER IN ) Docket No. TC22-009  
THE STATE OF SOUTH DAKOTA )**

**SDTA Petition to Intervene**

The South Dakota Telecommunications association (“SDTA”) hereby petitions the Public Utilities Commission (“Commission”) for intervention in the above captioned proceeding pursuant to SDCL 1-26-17.1 and ARSD 20:10:01:15.02, 20:10:01:15.04 and 20:10:01:15.05. In support hereof, SDTA states as follows:

1. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota.

2. On or about March 28, 2022, AirVoice Wireless, LLC dba Air Talk Wireless (“AirVoice” or “Applicant”) filed an Application/Petition with the Commission seeking designation as an Eligible Telecommunications Carrier (“ETC”) for the purpose of Lifeline support in the State of South Dakota. The Applicant resells AT&T Mobility and T-Mobile services. As a such, it requests designation as an ETC for the purpose of providing Lifeline service in all areas of South Dakota where the underlying carriers operate. These statements indicate that Applicant is seeking a statewide ETC designation.

3. All SDTA member companies operate as “rural telephone companies” and "eligible telecommunications carriers" under the Federal Telecommunications Act of 1996 and applicable state laws. Given that AirVoice’s Application will impact rural telephone company service/study areas in South Dakota, SDTA seeks intervention in this proceeding based on the individual interests of each of its affected member companies and their common interests in ensuring that all federal and state requirements pertaining to ETC designation, including the additional public interest protections afforded rural telephone company service areas, are properly considered and applied.

4. Specifically with regard to any Petition for ETC Designation extending to rural service areas, the additional "public interest" requirement set forth in 47 U.S.C. 214(e)(2), ARSD 20:10:32:43.07 and SDCL 49-31-78 applies. State commissions are not obligated to grant multiple ETC designations in such areas. SDTA questions whether granting the additional ETC designation requested by AirVoice is in the best interest of South Dakota consumers residing in rural service areas. As the FCC has appropriately noted, the Lifeline Programs do play a role in assisting with telecommunications network infrastructure utilization in high-cost areas, especially within Tribal areas where the enhanced "Tribal Lifeline discount" is available. To the extent an additional ETC designation within a rural carrier service area, even for Lifeline only purposes, causes end user customers to abandon existing wireline voice or broadband services, incumbent rural carrier end user revenues and high-cost funding revenues are impacted putting continued broadband infrastructure deployment and upgrades at risk.

5. SDTA further believes that more information should be supplied by Air Voice regarding its ability to comply with the "minimum service standards" imposed on ETCs designated for Lifeline under 47 C.F.R. 54.408.

6. Based on the foregoing, SDTA alleges that it is an interested party in this matter and would seek intervening party status.

Dated this 7 day of April, 2022.

/s/ Kara Semmler

Kara Semmler, General Counsel  
South Dakota Telecommunications Association  
PO Box 57  
320 East Capitol Avenue  
Pierre, SD 57501-0057  
[karasemmler@sdtasonline.com](mailto:karasemmler@sdtasonline.com)