

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

In the Matter of the Petition of	)	
North American Local, LLC for	)	Docket No. TC23-046
Reclassification As A Facilities-Based Eligible )		
Telecommunications Carrier	)	

**NAL RESPONSE TO SDTA MOTION TO DEFER**

North American Local, LLC (“NAL”) submits this response to South Dakota Telecommunications Association’s (SDTA’s) Motion To Defer. The filings in this docket establish that NAL has acted in good faith in seeking designation as a facilities-based eligible telecommunications carrier (“ETC”). In contrast, the filings in this docket establish that SDTA merely seeks to frustrate and impede action taken on NAL’s petition for reclassification. SDTA’s filings in other similar matters before the Commission likewise demonstrate a history of SDTA efforts to hinder and prevent other telecommunications carriers from entry into the Lifeline market in South Dakota, with little if any basis for basis for doing so.

SDTA’s motion to defer can be addressed at the hearing before the Commission on Tuesday, March 12, together with NAL’s petition filed herein, on the merits. All briefing on the NAL’s petition is complete. There are no legitimate grounds for further delay in the Commission’s consideration of NAL’s petition.

Moreover, time is of the essence in this matter. Since 2021, NAL has provided affordable service to eligible South Dakota residents through the Affordable Connectivity Program (“ACP”) and has coordinated with the FCC and Universal Service Administrative Company (“USAC”) to obtain Lifeline support for the provision of Lifeline service. This is consistent with the purpose and intent of the Commission’s *2021 ETC Order*.

The inability to obtain Lifeline support in South Dakota is at odds with the Commission’s intent in the *2021 ETC Order*, and NAL’s expectation, that NAL would be eligible to receive Lifeline support for the provision of service to low-income consumers. The ACP will be terminated and come to an end next month. In order for NAL to continue to provide Lifeline

service to these consumers, it is necessary for the Commission to take action on NAL's Petition – prior to the termination of the ACP.

The Commission should not allow SDTA to unnecessarily delay consideration of NAL's Petition for Reclassification.

Conclusion

NAL respectfully requests that the Commission deny SDTA's Motion To Defer. This motion can be considered and addressed at the hearing on SDTA's motion to dismiss and its motion to compel discovery, on March 12, 2024.

Dated: March 8, 2024.

THE SHULTZ LAW FIRM, Prof. LLC

By: /s/ Jay C. Shultz  
Jay C. Shultz  
402 St. Joseph Street, Suite 14  
Rapid City, SD 57701-3081  
(605) 791-1115  
jay@shultzlawsd.com

DAKELYN CONSULTING

By: /s/ Gene DeJordy  
Gene DeJordy  
766 Mill Hill Terrace  
Southport, CT 06890  
(203) 583-0256  
Gene@Dakelyn.com

*Attorneys for North American Local, LLC*

## Certificate of Service

I hereby certify that a copy of CNAL'S RESPONSE TO SDTA'S MOTION TO DEFER was filed with the South Dakota Public Utilities Commission and served on the following individuals by email on March 8, 2024:

Logan Schaeffbauer, Staff Attorney  
South Dakota Public Utilities Commission  
500 E. Capitol Ave., Pierre, SD 57501  
Logan.schaeffbauer@state.sd.us

Amanda Reiss, Staff Attorney  
South Dakota Public Utilities Commission  
500 E. Capitol Ave., Pierre, SD 57501  
Amanda.Reiss@state.sd.us

Joseph Rezac, Staff Analyst  
South Dakota Public Utilities Commission  
500 E. Capitol Ave., Pierre, SD 57501  
Joseph.Rezac@state.sd.us

Kara Semmler, General Counsel  
South Dakota Telecommunications Association  
P.O. Box 57  
320 East Capitol Ave., Pierre, SD 57501  
karasemmler@sdtanonline.com

THE SHULTZ LAW FIRM, Prof. LLC

By: /s/ Jay C. Shultz  
Jay C. Shultz  
402 St. Joseph Street, Suite 14  
Rapid City, SD 57701-3081  
(605) 791-1115  
jay@shultzlawsd.com