

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

**IN THE MATTER OF THE PETITION OF)
DISH WIRELESS, LLC FOR DESIGNATION AS AN)
ELIGIBLE TELECOMMUNICATIONS CARRIER IN)
THE STATE OF SOUTH DAKOTA FOR THE)
LIMITED PURPOSE OF PROVIDING LIFELINE) Docket No. TC23-006
SERVICE TO QUALIFYING CUSTOMERS)**

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 29, 2023, Dish Wireless, LLC (“Dish” or “Applicant”) filed an Application/Petition with the Commission seeking designation as an Eligible Telecommunications Carrier (“ETC”) for the purpose of providing Lifeline support in the State of South Dakota. The Applicant currently uses AT&T and T-Mobile wireless facilities and alleges plans to build its own nationwide network. Applicant requests designation as an ETC for the purpose of providing Lifeline service in all areas of South Dakota, to customers where its “underlying, facilities-based providers have wireless coverage.” See Application page 8, Paragraph D.
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 Dish'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 regarding ETC Designation in rural service areas, an additional "public interest" requirement set forth in 47 U.S.C. 214(e)(2), ARSD 20:10:32:42, 32:43, 32:43.07 and SDCL 49-31-78 applies. The commission is not obligated to grant multiple ETC designations in such areas and must make a finding that designation of an ETC is in the public interest. SDTA questions whether granting the ETC designation requested by Dish is in the best interest of South Dakota consumers residing in rural service areas.

5. SDTA further believes that more information should be supplied by Dish 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 it seeks intervening party status.

Dated this 30 day of March, 2023.

/s/ Kara Semmler

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