

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

**IN THE MATTER OF THE PETITION OF )  
TEMPO TELECOM, LLC FOR DESIGNATION )  
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER ) TC23-043  
IN THE STATE OF SOUTH DAKOTA FOR )  
THE LIMITED PURPOSE OF PROVIDING LIFELINE )  
SERVICE IN 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 certain cooperative, independent, municipal, and tribal telephone companies operating throughout the State of South Dakota. All SDTA member companies operate as “rural local exchange telephone companies” (RLEC) and "eligible telecommunications carriers" (ETC) under the Federal Telecommunications Act of 1996 and applicable state laws.

2. On or about August 23, 2023, TEMPO TELECOM, LLC (TEMPO or Applicant) filed an Application/Petition with the Commission seeking designation as an ETC for the purpose of providing Lifeline services to “a wide array of low-income South Dakota residents...” TEMPO Application, page 2. The Applicant resells AT&T and T-Mobile services.

3. TEMPO requests ETC designation, “throughout the non-rural (i.e. CenturyLink) service areas in South Dakota, including federally recognized tribal lands. *Id.* Page 11.

4. One SDTA member company is tribally owned and operated for the purpose of providing service within its RLEC service area which consists of federally recognized tribal land. Other, non-tribal SDTA member companies operate as RLECs on portions of federally recognized tribal lands pursuant to established service/study areas. It is unclear, from the application, whether TEMPO intends to serve RLEC areas also located within federally recognized tribal land.

5. Given the potential impact on RLEC service/study areas in South Dakota, SDTA seeks intervention in this proceeding. SDTA's request is based upon 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.

6. 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, 43, 43.07 and SDCL 49-31-78 applies. State commissions are 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. To the extent that TEMPO intends to provide service in any RLEC area, regardless of its proximity to federally recognized tribal land, SDTA questions whether granting the ETC designation requested by TEMPO is in the best interest of South Dakota consumers residing in rural service areas.

7. 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 August 2023.

/s/ Kara Semmler

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**CERTIFICATE OF SERVICE**

I hereby certify that an original of the Petition for Intervention, dated August 30, 2023, filed in PUC Docket TC23-043 was served upon the PUC electronically, directed to the attention of:

Ms. Patty Van Gerpen, Executive Director  
South Dakota Public Utilities Commission  
[patty.vangerpen@state.sd.us](mailto:patty.vangerpen@state.sd.us)

A copy was also sent by e-mail to each of the following individuals:

Ms. Patricia Van Gerpen Executive Director South Dakota Public Utilities Commission <a href="mailto:patty.vangerpen@state.sd.us">patty.vangerpen@state.sd.us</a>	Ms. Amanda Reiss Staff Attorney <a href="mailto:amanda.reiss@state.sd.us">amanda.reiss@state.sd.us</a>
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Dated this 30 day of August 2023

/s/ Kara Semmler

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