

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

**IN THE MATTER OF THE FILING OF IM TELECOM LLC)
DBA INFINITI MOBILE’S PETITION FOR DESIGNATION)
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN)
THE STATE OF SOUTH DAKOTA FOR THE LIMITED)
PURPOSE OF PROVIDING LIFELINE SERVICE TO)
QUALIFYING CUSTOMERS)**

Docket No. TC24-003

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 through 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 January 17, 2024, IM Telecom, LLC (“IM” 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 by reselling AT&T Mobility, Verizon Wireless and T-Mobile services. IM does not have its own facilities in South Dakota.

3. IM indicates, on Page 9 of its application that it intends to offer Lifeline services, “throughout the non-rural (i.e. Central Link) service areas in South Dakota, including federally recognized tribal lands.” Rural services areas and “federally recognized tribal lands” overlap in some places. SDTA will seek clarification regarding IM’s intended service area.

4. SDTA has an interest in this proceeding if IM intends to serve in the places where rural service areas and federally recognized tribal lands overlap. 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 IM may 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 considered.

5. 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 intends to gather information on and present information to the Commission regarding IM’s impact on the public interest and whether granting the ETC designation as requested by IM is in the best interest of South Dakota consumers residing in rural service areas.

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

Dated this 22 day of January, 2024.

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