

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

IN THE MATTER OF THE APPLICATION OF)	ORDER APPROVING JOINT
ASSURANCE WIRELESS USA, L.P., TO)	STIPULATION; ORDER
EXPAND ITS ELIGIBLE)	EXPANDING ELIGIBLE
TELECOMMUNICATIONS CARRIER)	TELECOMMUNICATIONS CARRIER
DESIGNATED SERVICE AREA TO INCLUDE)	DESIGNATED SERVICE AREA TO
TRIBAL LANDS)	INCLUDE TRIBAL LANDS
)	
)	
)	TC25-003

On May 5, 2025, the South Dakota Public Utilities Commission (Commission) received an application (Application) from Assurance Wireless USA, L.P. (Assurance) to expand its Eligible Telecommunications Carrier designated service area to include Tribal Lands for the purposes of receiving federal Lifeline universal service support.

On May 8, 2025, the Commission electronically transmitted notice of the filing and the intervention deadline of May 23, 2025, to interested individuals and entities on the Commission's PUC Weekly Filing electronic listserv.

On May 9, 2025, the South Dakota Telecommunications Association (SDTA) petitioned to intervene in the docket. On May 21, 2025, the Commission issued an Order Granting Intervention to SDTA. On June 13, 2025, Assurance filed additional information and on July 2, 2025, filed responses to SDTA's first data request. On July 25, 2025, SDTA filed Comments. On August 1, 2025, Assurance filed a response to comments of SDTA. On August 6, 2025, staff, SDTA and Assurance filed a Joint Stipulation in which the Parties agreed to waive an evidentiary hearing in this docket and agreed that the Commission may rely on all filings in the docket as the basis for its decision.

The Commission has jurisdiction in this matter pursuant to 47 U.S.C. § 214(e), 47 C.F.R. § 54.201, SDCL Chapters 1-26, specifically SDCL 1-26-20, and 49-31, ARSD Chapter 20:10:01, specifically ARSD 20:10:01:19, ARSD Chapter 20:10:32, specifically ARSD 20:10:32:43 through ARSD 20:10:32:43.07.

At its regularly scheduled meeting on August 14, 2025, the Commission considered this matter. All Parties having agreed, the Commission voted unanimously to approve the Joint Stipulation. After reviewing all filings in the docket, considering oral arguments, and asking questions of the Parties, the Commission found that Assurance has complied with the requirements. Finding the ETC designation was in the public interest, the Commission voted unanimously to grant Assurance's application to expand its ETC designated service area to include Tribal Lands for the purpose of receiving federal lifeline universal service support.

In order to be designated a Lifeline-only ETC, a carrier must offer voice telephony service or broadband Internet access service as the supported service, using its own facilities or a combination of its own facilities and resale of another carrier's services, throughout the service area for which the designation is received and advertise the availability of, and the charges for, those services throughout the service area. 47 U.S.C. § 214(e); 47 C.F.R. § 54.401 (a)(2). Assurance, an indirect subsidiary of T-Mobile USA, Inc., is a facilities-based provider offering services using the T-Mobile network.¹

The Federal Communications Commission (FCC) has designated the following voice telephony

¹Attachment A- Petition in TC24-002, p. 3.

services for support by federal universal service support mechanisms: (1) voice grade access to the public switched network or its functional equivalent; (2) minutes of use for local service provided at no additional charge to end users; (3) access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and (4) toll limitation services to qualifying low income consumers. 47 C.F.R. § 54.101 (a). Assurance has committed to providing the supported services.²

The carrier must also advertise the availability of such services and the charges for the services using media of general distribution. 47 U.S.C. § 214(e)(1)(B). Assurance stated that it will advertise the availability of its services and the charges in a manner reasonably designed to reach Lifeline-eligible consumers in accordance with all applicable requirements.³ The Commission finds that Assurance has demonstrated that it will meet the advertising requirement.

ARSD 20:10:32:42 states, in part, "the commission may not find it to be in the public interest if the telecommunications company requesting such designation is not offering its services coextensive with the rural telephone company's service area." However, the FCC has granted forbearance to this requirement for companies seeking Lifeline-only ETC designation in the area of a rural telephone company.⁴ Therefore, the Commission may find this designation to be in the public interest although the company will not offer its services coextensive with the rural telephone company's service area.

Pursuant to ARSD 20:10:32:43, in its Petition and subsequent Data Responses, Assurance has provided: (1) The name, address, and telephone number of the applicant and its designated contact person;⁵ (2) The proposed effective date of designation of eligible telecommunications carrier status;⁶ (3) Identification of the service area, including a detailed map, for which the designation is sought;⁷ (4) A statement supporting the petition which specifies why the requested designation satisfies the requirements for eligible telecommunications designation and receiving federal universal service support under 47 C.F.R. § 54.201 (January 1, 2006);⁸ (5) (not applicable); and (6) A statement specifying why the applicant's proposed designation is in the public interest.⁹

Pursuant to ARSD 20:10:32:43.01, an applicant for ETC status must commit to providing service to customers making a reasonable request for service in the service area. In its April 24, 2024, Assurance committed to adhering to the requirements of this rule.

ARSD 20:10:32:43.02 requires an applicant requesting designation as an ETC to submit a two-year plan that describes proposed improvements or upgrades to the applicant's network throughout its proposed designated service area. As a Lifeline-only ETC, Assurance will not be receiving high-cost support as contemplated by this administrative rule. Therefore, the Commission finds this rule is not applicable and a two-year plan is not necessary.

Pursuant to ARSD 20:10:32:43.03, an applicant must demonstrate its ability to remain functional in emergency situations including a demonstration that it has a reasonable amount of back-up power to remain functional in emergency situations without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations. Through

² Attachment A- Petition in TC24-002, p.6.

³ Attachment A- Petition in TC24-002, p.6-7.

⁴ In the Matter of Telecommunications Carriers Eligible for Support, Lifeline and Link Up Reform, Memorandum Opinion and Order, WC Docket No. 11-42, FCC 13-44, ¶ 1.

⁵ Application, p. 2; Attachment E, p. 8, DR Response 1-12.

⁶ Attachment A-Petition in TC24-002, p. 2.

⁷ Exhibits 2, 3, 5 and 6.

⁸ Application p. 2; Attachment A-Petition in TC24-002, p. 2

⁹ Application, p. 8-9.

the Petition and responses to Data Requests, Assurance demonstrated that it has the ability to remain functional in emergency situations.¹⁰

Pursuant to ARSD 20: 10:32:43.04, an applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards. Assurance has demonstrated that it will satisfy this rule.¹¹ ARSD 20: 10:32:43.05 requires that a requesting company demonstrate that it offers a local usage plan comparable to the one offered by the incumbent local exchange carrier in the service areas for which the applicant seeks designation. This requirement was removed from federal law back in 2012.¹² Therefore, the Commission finds Assurance need not submit a local usage plan.

ARSD 20:10:32:43.06 requires an applicant requesting ETC designation to certify that it will provide equal access to long distance carriers if no other eligible telecommunications carrier is providing equal access within the service area. This requirement was removed from federal law in 2012. Therefore, the Commission finds such certification is not required in this matter.

In order to designate an applicant as an ETC, the Commission must determine whether such designation is in the public interest pursuant to ARSD 20:10:32:43.07. The Commission finds that Assurance's Petition is in the public interest. As a Lifeline-only ETC it would serve the needs of low-income customers by increasing customer choice and offering a zero-cost option for Lifeline customers. After evaluating the public interest considerations, the Commission finds that the designation of Assurance will bring the benefits of increased consumer choice and it has committed to providing quality services to the designated service area. The Commission finds the designation of Assurance as a Lifeline-only ETC is in the public interest.

ARSD 20:10:32:43.07 requires the Commission to conduct a creamskimming analysis if an applicant seeks designation in the study area of a rural telephone company. The FCC has stated that creamskimming is not a relevant concern regarding the designation of a Lifeline-only ETC.¹³ Therefore, the Commission finds that a creamskimming analysis is not required.

Pursuant to 47 C.F.R. § 54.201 (h), a state commission may not designate a Lifeline-only ETC "unless the carrier seeking such designation has demonstrated that it is financially and technically capable of providing the supported Lifeline service in compliance with subpart E of this part." The Petition and Response to Staff Data Request 1 provided financial and technical information about Assurance and T-Mobile. The Commission finds that Assurance has demonstrated it is financially and technically capable of providing the supported Lifeline service in compliance with subpart E.

It is therefore

ORDERED, that the request for approval of Joint Stipulation is hereby granted. It is further

ORDERED, that Assurance is hereby designated as an Eligible Telecommunications Carrier in tribal lands, in South Dakota for the purpose of receiving federal low-income universal service support for prepaid wireless Lifeline services. It is further

ORDERED, that this Eligible Telecommunications Carrier designation shall be conditioned upon those representations and commitments made by Assurance both orally and in writing in this docket and all conditions imposed on Assurance in Docket TC24-002.

¹⁰ Attachment A-Petition in TC24-002, pg. 8-9.; Attachment R.

¹¹ Attachment A-Petition in TC24-002, p.9; Attachment S.

¹² 47 C.F.R. § 54.202 (2012).

¹³ In the Matter of Telecommunications Carriers Eligible for Support, Lifeline and Link Up Reform, Memorandum Opinion and Order, WC Docket No. 11-42, FCC 13-44, ¶ 13.

Dated at Pierre, South Dakota, this 15th day of August 2025.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.

By:

Kristie Fiegen

Date:

15 Aug 2025

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner