

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE FILING
BY RCC MINNESOTA, INC. AND
WIRELESS ALLIANCE, LLC D/B/A
UNICEL FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS
CARRIER

TC03-193

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Transcript of Proceedings
May 10, 2005

ORIGINAL

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BEFORE THE PUBLIC UTILITIES COMMISSION,
GARY HANSON, CHAIRMAN
BOB SAHR, VICE CHAIRMAN
DUSTY JOHNSON, COMMISSIONER (by telephone)

COMMISSION STAFF
Rolayne Ailts Wiest
John Smith
Karen Cremer
Sara Greff
Greg Rislov
Harlan Best
Keith Senger
Dave Jacobson
Michele Farris
Jim Mehlhaff
Tina Douglas
Heather Forney
Pam Bonrud

Reported By Cheri McGonsey Wittler, RPR, CRR

PRECISION REPORTING

L I M I T E D

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5 BY RCC MINNESOTA, INC. AND TC03-193
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34 Reported By Cheri McComsey Wittler, RPR, CRR
35

1 APPEARANCES BY TELEPHONE 2
2 Colleen Sevold
3 Melissa Thompson
4 Bill Heaston
5 Dave Prazak
6 Larry Nelson
7 Kyle White
8 Alan Dietrich
9 Al Lunde
10 -----
11 TRANSCRIPT OF PROCEEDINGS, held in the
12 above-entitled matter, at the South Dakota State
13 Capitol, Room 412, 500 East Capitol Avenue, Pierre,
14 South Dakota, on the 10th day of May 2005, commencing
15 at 9:30 a.m.
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1 CHAIRMAN HANSON: TC03-193, In the
2 Matter of the Filing by RCC Minnesota, Incorporated
3 and Wireless Alliance, LLC doing business as Unicel
4 for Designation as an Eligible Telecommunications
5 Carrier.
6 The question before -- there is no question
7 before the Commission. It is what is the
8 Commission's decision at this time.
9 Rolayne, do you have anything further to add
10 on this item?
11 MS. AILTS WIEST: No, I don't.
12 CHAIRMAN HANSON: Thank you. I have
13 a Motion to read, and it's a rather lengthy Motion.
14 Did the Commissioners have anything further
15 that needs to be discussed or questions asked?
16 COMMISSIONER JOHNSON: No,
17 Mr. Chairman.
18 VICE CHAIRMAN SAHR: And I do not
19 either.
20 CHAIRMAN HANSON: And a copy of this
21 Motion has been provided to the court reporter and
22 there are other copies here if you wish to read
23 along so that you don't have to type the entire
24 Motion. Whatever is easiest for you.
25 Motion for TC03-193. I move that the

1 Commission find that RCC Minnesota, Inc., known as
2 RCC, and Wireless Alliance, LLC, known as WALLC
3 have met the requirements to be designated as an
4 ETC and that it is in the public interest to
5 designate RCC and WALLC in the following areas:
6 For the nonrural areas currently served by
7 Qwest, I move that RCC be designated as an ETC in
8 the Milbank, Big Stone City, and Watertown wire
9 centers. For WALLC, I move that WALLC be
10 designated as an ETC in the Tea, Canton, Harrisburg
11 and three Sioux Falls wire centers. I move that
12 RCC and WALLC not be designated in the Huron,
13 Iroquois,
14 De Smet, Lake Preston, Arlington, and Madison wire
15 centers since they would serve only a small portion
16 of those wire centers and the Commission has
17 previously designated as separate service areas
18 each Qwest exchange.
19 For the rural areas where the Petitioners have
20 committed to serving the rural telephone companies'
21 entire study areas I move that RCC be designated in
22 the study areas of RC Communications, Roberts
23 County, Stockholm-Strandburg, and Valley Telephone.
24 I move that WALLC be designated in the Union
25 Telephone study area.

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1 For the rural areas where the Petitioners will
 2 not serve the entire study areas, I move that the
 3 Commission reject the Petitioners' request that
 4 they be designated throughout their licensed area
 5 which would allow the Petitioners to serve only
 6 parts of some wire centers. I move that instead
 7 the Commission accept the Petitioners' alternative
 8 proposal. Under that alternative proposal, the
 9 Petitioners will serve entire center wires and to
 10 the extent small portions of some of these wire
 11 centers fall outside the Petitioners' licensed
 12 areas, the Petitioners will serve these areas
 13 through resale or other methods.

14 These designations will require redefining the
 15 rural company's study areas. Thus these
 16 designations are subject to the FCC agreeing with
 17 the Commission on the redefinitions. With respect
 18 to these redefinitions, I move that the Commission
 19 not redefine each affected company's study area
 20 into individual wire centers, but instead redefine
 21 into groups of wire centers that the Petitioners
 22 propose serving under their alternative proposal.

23 For example, for James Valley, the Commission
 24 should redefine James Valley study area by creating
 25 a service area comprised of Andover and Bristol and

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1 the remaining wire centers in James Valley's study
 2 area for which RCC is not receiving ETC designation
 3 would be separate service areas. I am recommending
 4 this in order to lessen the concern that a
 5 competitive ETC could seek to withdraw from serving
 6 certain high-cost, low-density wire centers but
 7 continue to serve less costly wire centers.

8 I further move that the Commission not adopt
 9 the FCC's Order on the Joint Board's
 10 recommendations since that Order was not released
 11 until after the hearing and the briefing had been
 12 completed. Instead I move that the Commission
 13 impose the following conditions on these ETC
 14 designations:

15 No. 1, On or before August 1, 2005 the
 16 Petitioners shall file their advertising plans and
 17 materials for South Dakota that they plan to use to
 18 inform consumers of their universal service
 19 offerings. Included in these advertising plans and
 20 materials shall be the Petitioners' advertising
 21 plans and materials regarding the Lifeline and
 22 Link-up programs and the forms for applying for
 23 Lifeline and Link-up in South Dakota.

24 On or before August 1, 2005 the Petitioners
 25 shall file their service agreements pursuant to

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1 which they intend to offer their universal service
 2 offerings in South Dakota. Excuse me. I should
 3 have said -- at the beginning of that sentence I
 4 should have said No. 2. The agreements shall be
 5 consistent with the Commission's service quality
 6 rules and shall also advise customers that they may
 7 qualify for financial assistance under the federal
 8 Link-up and Lifeline programs and provide basic
 9 information on how to apply.

10 No. 3, The Petitioners agreed to disputes
 11 being resolved by the Commission. The service
 12 agreement shall state that any disputes or claims
 13 arising under the service agreement may be subject
 14 to the Commission's Complaint jurisdiction at the
 15 consumer's option. Thus, the Petitioners' service
 16 agreements shall not compel submission of disputes
 17 to arbitration which would deprive customers of
 18 access to the Complaint procedures of SDCL
 19 Chapter 49-13 and ARSD Chapter 20:10:01.

20 4, The Petitioners have been designated as an
 21 ETC in portions of some rural telephone company
 22 wire centers that lie outside the boundaries of the
 23 areas in which Petitioners have been licensed by
 24 the FCC to provide wireless service. The
 25 Petitioners shall provide service to requesting

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1 customers in such areas by extension, resale, or
 2 other arrangements with other carriers, consistent
 3 with Section 214(e)(1)(A). The service shall be
 4 provided at prices and upon terms and conditions
 5 that are comparable to what is provided within the
 6 Petitioners' licensed areas.

7 5, Consistent with their obligations pursuant
 8 to Section 214(e)(1), the Petitioners shall
 9 continue to build out facilities and extend service
 10 to meet the statutory objective of offering service
 11 "throughout out the service area for which the
 12 designation is received."

13 6, In conjunction with but separate from and
 14 in addition to their annual certification files
 15 under 47 C.F.R Subsection 54.313 and 54.314 the
 16 Petitioners shall submit records and documentation
 17 on an annual basis detailing their progress towards
 18 meeting the statutory objective of offering service
 19 throughout the service areas for which the
 20 designation is received. At a minimum, such
 21 information shall detail the location and cost of
 22 material capital expenditures made by the
 23 Petitioners within the State of South Dakota during
 24 the preceding annual period and shall include their
 25 proposed capital budgets for the State of South

1 Dakota for the ensuing year. The Petitioners shall
 2 work with Commission staff to determine what
 3 constitutes material expenditures. If the
 4 Petitioners and staff are unable to agree, either
 5 party shall bring the issue before the Commission
 6 for a decision.

7 7, The Petitioners shall annually submit
 8 proposed plans for the upcoming calendar year which
 9 sets forth Petitioners' proposed plans for
 10 construction of new facilities and service
 11 enhancements to existing facilities. The plans
 12 shall be submitted on or before March 1 of each
 13 year. Following the first filing, the Petitioners'
 14 subsequent annual filings shall also include a
 15 report stating whether the proposed plans were
 16 implemented, any deviations from the previous
 17 year's proposed plans, and the reasons for any
 18 deviations. Following this annual filing, the
 19 Petitioners shall meet with Commission staff to
 20 discuss the proposed plans and any deviations from
 21 the previous year's proposed plans.

22 8, The Petitioners shall construct the four
 23 additional cell sites within one year of their
 24 receipt of high-cost support. The year shall begin
 25 from the date of the Petitioners' first -- begin to

1 previous year, including the steps the Petitioners
 2 took to provide service and the reasons why such
 3 requests went unfulfilled. Following the
 4 submission of this report, the Petitioners shall
 5 meet with the Commission staff to discuss the
 6 report.

7 12, In the event that Commission staff
 8 believes the information beyond what the
 9 Petitioners has provided is necessary for staff and
 10 the Commission to perform their responsibilities
 11 relating to the Petitioners meeting their
 12 obligations under the law and this Order, staff
 13 shall first make a request for such information to
 14 the Petitioners. If the Petitioners object to such
 15 request, the staff and the Petitioners shall first
 16 confer in an effort to resolve the issue. If after
 17 such conference staff and Petitioners are unable to
 18 reach agreement concerning the need for such
 19 information or the reasonableness of such request,
 20 staff may petition the Commission for an Order
 21 modifying the conditions herein upon showing of
 22 good cause therefor.

23 That is the entirety of the Motion.
 24 VICE CHAIRMAN SAHR: Second.
 25 COMMISSIONER JOHNSON: I concur with

1 receive high-cost support for the entirety of their
 2 designated areas. If the Petitioners are unable to
 3 construct all four cell sites during this time
 4 frame, they shall submit a report detailing the
 5 reasons why they were unable to do so and shall
 6 thereafter submit monthly reports detailing their
 7 progress toward meeting this goal. The initial
 8 report shall be due at the end of the year end time
 9 frame.

10 9, The Petitioners shall commit to and abide
 11 by the terms of the Cellular Telecommunications
 12 Industry Associates Consumer Code for Wireless
 13 Service as it is amended from time to time.

14 10, By March 1 of each year the Petitioners
 15 shall provide annual reports detailing the consumer
 16 Complaints that it has received during the previous
 17 one-year period. This report shall include the
 18 nature and location of the Complaints.

19 11, By March 1 of each year the Petitioners
 20 shall provide a report itemizing the number of
 21 unfulfilled requests the Petitioners received to
 22 provide service to a current customer's residence
 23 during the previous year and requests for service
 24 from potential customers within the Petitioners'
 25 service areas that went unfulfilled during the

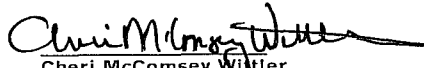
1 that wonderful Motion. You did a good job reading
 2 that, Gary.
 3 CHAIRMAN HANSON: And Rolayne did a
 4 good job of preparing it.
 5 VICE CHAIRMAN SAHR: I was going to
 6 ask him to read that back.
 7 CHAIRMAN HANSON: Motion carries.
 8 And there are copies for anyone who would like to
 9 read it for a second time.

1 STATE OF SOUTH DAKOTA)
2 :SS CERTIFICATE
3 COUNTY OF HUGHES)
4

5 I, CHERI MCCOMSEY WITTLER, a Registered
6 Professional Reporter and Notary Public in and for the
7 State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed
9 shorthand reporter, I took in shorthand the proceedings
10 had in the above-entitled matter on the 10th day of
11 May 2005, and that the attached is a true and
12 correct transcription of the proceedings so taken.

13 Dated at Pierre, South Dakota this 26th day
14 of May 2005.

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16
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18 Cheri McComsey Wittler,
19 Notary Public and
Registered Professional Reporter
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