

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

IN THE MATTER OF THE FILING BY )	ORDER CLARIFYING
CHEYENNE RIVER SIOUX TRIBE TELEPHONE )	PROCEDURES TO OBTAIN
AUTHORITY FOR CLARIFICATION )	DESIGNATION AS AN
REGARDING DESIGNATION AS AN ELIGIBLE )	ELIGIBLE
TELECOMMUNICATIONS CARRIER )	TELECOMMUNICATIONS
)	CARRIER
)	TC97-133

On July 17, 1997, the Cheyenne River Sioux Tribe Telephone Authority (CRSTTA) filed a request for clarification regarding the designation as an eligible telecommunications carrier. CRSTTA requested that the Public Utilities Commission (Commission) "clarify whether local exchange carriers must request that the Commission designate them as eligible telecommunications carriers (ETCs) so that the local exchange carriers may receive federal universal service support under 47 U.S.C. § 214(e)." CRSTTA stated that "under § 214(e)(2), the Commission may determine whether common carriers meet the requirements of § 214(e)(1) in order to designate them as ETCs, or it may consider a request that the Commission designate a common carrier as an ETC, based upon the common carrier's own assertions." CRSTTA concluded by stating that "[i]n light of the two options in the Telecommunications Act – the Commission's designation of ETCs on its own motion, or requests by individual local exchange carriers for such designation -- and in light of the requirement that local exchange carriers obtain designation as ETCs in order to receive federal universal support, the Telephone Authority respectfully requests that the Commission issue an order clarifying the procedures local exchange carriers in South Dakota should follow in order to obtain ETC designation."

Interested parties had until July 25, 1997, to file comments with the Commission and CRSTTA. No comments were filed.

At its September 9, 1997, meeting, the Commission considered CRSTTA's request. The Commission voted to issue an order clarifying the procedures a local exchange carrier must follow in order to obtain ETC designation.

In the Federal Communications Commission's (FCC) Report and Order in CC Docket No. 96-45, In the Matter of Federal-State Board on Universal Service, the FCC promulgated rules concerning ETC designation. Under the FCC's rules, specifically 47 C.F.R. § 54.201(b), a state commission shall, upon its own motion or upon request, designate a common carrier as an ETC if it meets the requirements of paragraph (d). Paragraph (d) requires a company to provide the services that are supported by federal universal service support mechanisms and advertise the services and charges.

The services supported by the federal universal service support mechanisms are found in 47 C.F.R. 54.101(a). These services or functionalities are as follows: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling or its functional equal; (4) single party service or its functional equivalent; (5) access to emergency services; (6) access to operator services; (7) access to interexchange service; (8) access to directory assistance; and (9) toll limitation for

qualifying low-income consumers. In addition, an ETC is required to make available Lifeline and Link Up services to qualifying low-income consumers. 47 C.F.R. § 54.405; 47 C.F.R. § 54.411. The Commission must also designate an ETC's service area in accordance with 47 U.S.C. § 214(e)(5).

Thus, in order to receive designation as an ETC, a carrier must prove to the Commission that it can provide the services listed in section 54.101(a) throughout its service area prior to January 1, 1998. The carrier must also prove that it will make Lifeline and Link Up services available to qualifying low-income consumers throughout its service area consistent with any rules or orders of the FCC and the Commission.

The Commission may allow a carrier additional time to complete the network upgrades needed to provide single-party service, access to enhanced 911 service, or toll limitation. See 47 C.F.R. § 54.101(c). The carrier must petition the Commission for additional time and demonstrate to the Commission that exceptional circumstances exist in order for the Commission to grant any additional time. The carrier must also specify the exchanges it wants the Commission to designate as its service area.

With respect to the advertising requirements of 47 U.S.C. § 214(e)(1)(B), the Commission will open a rulemaking docket to promulgate rules with the specific advertising requirements an ETC will be required to follow. A carrier may file proposed rules with the Commission on or before September 29, 1997.

It is therefore

ORDERED, that carriers applying for ETC designation shall follow the procedures as outlined above.

Dated at Pierre, South Dakota, this 17<sup>th</sup> day of September, 1997.

<b>CERTIFICATE OF SERVICE</b>
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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u><i>Melanie Kaelo</i></u>
Date: <u>9/17/97</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*James A. Burg*  
JAMES A. BURG, Chairman

*Pam Nelson*  
PAM NELSON, Commissioner

*Laska Schoenfelder*  
LASKA SCHOENFELDER, Commissioner