

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

IN THE MATTER OF THE REQUEST FOR A)	ORDER FINDING CURRENT
RULING REGARDING TOLL LIMITATION)	ELIGIBLE
)	TELECOMMUNICATIONS
)	CARRIERS MEET THE
)	REQUIREMENT OF
)	PROVIDING TOLL
)	LIMITATION
)	TC98-210

On December 3, 1998, the Commission received a letter from TELEC Consulting Resources, Inc., asking for "written confirmation that the ruling regarding toll control and toll limitation as detailed in Amended Order TC97-163, XIV, issued March 10, 1998, applies to all South Dakota eligible telecommunications carriers (ETCs), not just U S WEST." Since this order was only applicable to U S WEST, the Commission opened a docket to seek comments on whether it should issue an order applicable to all currently designated ETCs reflecting the change in the toll limitation requirement made by the FCC in its Fourth Order on Reconsideration.

The Federal Communications Commission (FCC) has designated the following services or functionalities as those supported by federal universal service support mechanisms: (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. 47 C.F.R. § 54.101(a).

As listed above, one of the services required to be provided by an ETC to qualifying low-income consumers is toll limitation. 47 C.F.R. § 54.101(a)(9). In its initial order, the FCC found that toll limitation consists of both toll blocking and toll control. Toll control is a service that allows consumers to specify a certain amount of toll usage that may be incurred per month or per billing cycle. 47 C.F.R. § 54.400(c). Toll blocking is a service that lets consumers elect not to allow the completion of outgoing toll calls. 47 C.F.R. § 54.400(b). However, in its Fourth Order on Reconsideration, the FCC revised its definition of toll limitation and defined it as toll control or toll blocking. Thus, unless a carrier is capable of providing both toll blocking and toll control, it may offer either toll blocking or toll control. If a carrier is capable of providing both toll blocking and toll control, it must offer qualifying consumers a choice between the two. Fourth Order on Reconsideration, CC Docket No. 96-45, ¶ 115 (December 30, 1997).

In December of 1997, the Commission held hearings to designate incumbent local exchange carriers as ETCs. At the hearings, the incumbent local exchange companies stated that they were able to offer toll blocking to all consumers throughout their local

exchange service areas but were unable to offer toll control. The incumbent local exchange carriers were given a waiver of the requirement to offer toll control until December 31, 1998. Subsequently, as noted above, the FCC changed this requirement for toll limitation. Since the currently designated ETCs are able to offer toll blocking, the Commission finds that all currently designated ETCs now meet the requirement of providing toll limitation services pursuant to the FCC's Fourth Order on Reconsideration. The Commission also finds that no further waivers are necessary.

It is therefore

ORDERED, that all currently designated ETCs meet the requirement of providing toll limitation and no further waivers of this requirement are necessary.

Dated at Pierre, South Dakota, this 6th day of January, 1999.

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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: Relaine Kaelbo

Date: 1/6/99

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner