

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

**IN THE MATTER OF THE PETITION OF)
CELLCO PARTNERSHIPS AND ITS)
SUBSIDIARIES AND AFFILIATES TO AMEND)
AND CONSOLIDATE ELIGIBLE)
TELECOMMUNICATIONS CARRIER)
DESIGNATIONS IN THE STATE OF SOUTH)
DAKOTA AND TO PARTIALLY RELINQUISH)
ETC DESIGNATIONS)**

**ORDER APPROVING
PARTIAL RELINQUISHMENT
OF ETC DESIGNATION**

TC10-090

On September 3, 2010, the Public Utilities Commission (Commission) received a petition from Cellco Partnership d/b/a Verizon Wireless, and its subsidiaries and affiliates offering commercial mobile radio services in South Dakota (Verizon Wireless), to amend and consolidate the eligible telecommunications carrier (ETC) designations currently held separately in the name of WWC License, LLC (WWC) and RCC Minnesota, Inc. (RCC) in the state of South Dakota to reflect Cellco Partnership and its affiliated legal entities as the designated entity. Verizon Wireless requests that amendment and consolidation of the ETC designations be deemed effective immediately. Verizon Wireless further requests that the partial relinquishment of WWC's ETC status in the Golden West Telecommunications Cooperative, Inc. (Golden West) Study Area Code 391659 be deemed effective immediately. On September 9, 2010, the Commission electronically transmitted notice of the filing to interested individuals and entities. The notice stated that any person wishing to intervene had until September 24, 2010, to do so. On September 24, 2010, the Commission received a Petition to Intervene from South Dakota Telecommunications Association (SDTA) and Golden West Telecommunications Cooperative, Inc. (Golden West). On October 12, 2010, the Commission granted intervention to SDTA and Golden West. On October 14, 2010, James Valley Wireless (James Valley) filed a Petition to Intervene. On October 26, 2010, the Commission granted intervention to James Valley.

On November 5, 2010, Verizon Wireless filed a Motion Requesting Confidentiality Agreement. The motion was granted and a protective order was issued by the Commission. On November 12, 2010, Verizon Wireless filed a Motion for Commission Approval of Partial Relinquishment of ETC Designation. On November 15, 2010, Verizon Wireless filed a proposed Order Approving Partial Relinquishment of ETC Designation.

At its November 16, 2010, meeting, the Commission considered this matter. The Commission voted to approve the request for partial relinquishment of WWC's ETC designation.

Having reviewed the evidence of record, the Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. As set forth in 47 U.S.C. § 214 (e)(4), 47 C.F.R § 54.205, and ARSD 20:10:32:48, approval of a competitive ETC's notice of relinquishment is subject to the following requirements:

A State commission . . . shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served

by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its . . . designation. . . shall give advance notice to the State commission. . . of such relinquishment. Prior to permitting. . . an eligible telecommunications carrier to cease providing universal service. . . , the State commission. . . shall require the remaining eligible telecommunications carrier[s]. . . to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier.

2. In accordance with these requirements, the partial relinquishment of WWC's ETC designation shall be approved if it satisfies the following: (1) the designated Golden West study area is served by at least one other ETC; (2) WWC provides the Commission advance notice of the relinquishment; (3) all customers of WWC will continue to be served; and (4) sufficient notice is provided to permit the purchase or construction of adequate facilities by the remaining ETCs.
3. The first item is satisfied because the designated service area is served by at least one other ETC, Golden West.¹
4. The second item is satisfied because the Commission has been provided with advance notice of the partial relinquishment.
5. The third item is satisfied because all WWC customers continue to be served. As a condition of the acquisition of WWC and RCC, Verizon Wireless was required to divest (sell) customers, the network serving those customers and certain other WWC assets located in the Golden West SAC 391659. On June 22, 2010, the customers, network, and other assets that Verizon Wireless was required to divest within the Golden West SAC 391659 were transferred to AT&T Mobility, LLC (AT&T Mobility). As a result, the former WWC customers are now served by AT&T Mobility. All current customers and future Verizon Wireless customers residing within Golden West SAC 391659 will also continue to be served by Verizon Wireless.
6. The fourth item is similarly satisfied because consumers within the Golden West SAC 391659 will continue to be served by an incumbent carrier, and each customer can elect to receive service from an ETC. Accordingly, there is no reason to delay approval of the relinquishment to permit the purchase or construction of additional facilities by the remaining ETCs to serve these customers.
7. No party to this proceeding has contested the approval of WWC's relinquishment of its ETC designation within the Golden West SAC 391659 for any of the reasons set forth in 47 U.S.C. § 214(e)(4), 47 C.F.R § 54.205(a)-(b), or ARSD 20:10:32:48. The intervenors have not waived any of their objections to the remaining issues in this docket.

¹ In addition, AT&T Mobility, LLC has made application to the Federal Communications Commission (FCC) to be designated as a competitive ETC for purpose of serving the Tribal members residing within the portion of the Golden West SAC 391659 covering the Pine Ridge Reservation in South Dakota. See *Petition of AT&T Mobility LLC for Designation as an Eligible Telecommunications Carrier and Transfer of the Alltel Pine Ridge Reservation Eligible Telecommunications Designation*, WC Docket No. 09-197, Ex. C (filed July 30, 2010).

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to 47 U.S.C. § 214(e)(4), 47 C.F.R § 54.205(a)-(b), SDCL 49-31-78, and ARSD 20:10:32:48.
2. The filing of notice of partial relinquishment of ETC status in this proceeding satisfied all of the requirements under 47 U.S.C. § 214(e)(4), 47 C.F.R § 54.205(a)-(b), and ARSD 20:10:32:48.
3. No further action is required of Verizon Wireless or the Commission prior to the partial relinquishment being approved.

It is therefore

ORDERED that WCC's notice of relinquishment of its ETC designation in the Golden West SAC 391659 is hereby approved; and it is

FURTHER ORDERED that nothing in this Order shall affect WWC's ETC designation in any other portion of the State of South Dakota for which the Commission has previously designated WWC as a competitive ETC; and it is

FURTHER ORDERED that Verizon Wireless shall serve a copy of this Order on the Universal Service Administrative Company (USAC).

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that this Order was duly entered on the 18th day of November, 2010. This Order shall be effective immediately.

Dated at Pierre, South Dakota, this 18th day of November, 2010.

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| <p align="center">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u><i>[Signature]</i></u></p> <p>Date: <u>11/18/10</u></p> <p align="center">(OFFICIAL SEAL)</p> |
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BY ORDER OF THE COMMISSION:

[Signature]
DUSTIN M. JOHNSON, Chairman

[Signature]
STEVE KOLBECK, Commissioner