

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

**IN THE MATTER OF THE PETITION OF
LONG LINES WIRELESS, LLC OF A
PARTIAL RELINQUISHMENT OF ITS
DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER**

**ORDER APPROVING
PARTIAL RELINQUISHMENT
OF ETC DESIGNATION**

TC11-082

On August 26, 2011, Long Lines Wireless, LLC (Long Lines) filed a petition with the Public Utilities Commission (Commission) to partially relinquish its designation as an Eligible Telecommunications Carrier (ETC). Long Lines stated that it has built out its wireless network to serve customers in the majority of the ETC territory in eastern South Dakota, however, due to market conditions, the expansion of the territory into the remaining wire centers in eastern South Dakota has been limited and Long Lines has sold its spectrum in western South Dakota and no longer intends to build out its network in that area. Long Lines requested amending the scope of its ETC designation to exclude the areas it does not intend to serve. Specifically, it requested relinquishment of its ETC designation for: (i) certain non-rural Qwest areas; and (ii) certain rural areas served by Brookings Municipal Utilities, Citizen Telecom Co., Interstate Telecom Coop Inc., RT Communications, Fort Randall Telephone Co., Golden West Telephone Co., and McCook Telephone Coop Co.

On September 1, 2011, the Commission electronically transmitted notice of the filing and the intervention deadline of September 16, 2011. No petitions to intervene were filed.

At its regularly scheduled October 25, 2011, meeting, the Commission considered this matter. The Commission voted unanimously to approve the petition for partial relinquishment.

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), approval of an ETC's request for 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 its Petition, Long Lines noted that in its initial filing requesting designation as an ETC, Long Lines requested ETC designation for wire centers in eastern and western South Dakota where Long Lines had wireless spectrum. See Docket TC06-184. Long Lines stated that it has built out its wireless network to serve "customers in the majority of the ETC territory in eastern South Dakota, however, due to market conditions, the expansion of the territory into the remaining wire centers in eastern South Dakota has been limited...." Long Lines further stated that it has sold its spectrum in western South Dakota and no longer intends to build out in that area. Long Lines requested partial relinquishment of its ETC designation to exclude those areas where the company does not intend to build out its network. Long Lines stated that it currently does not serve any customers in the areas where it has requested relinquishment of its ETC designation.

3. Long Lines seeks to relinquish its ETC status in the non-rural service areas as set forth in attached Exhibit A. Each of these areas is currently served by a non-rural incumbent local exchange carrier that has been designated as an ETC.

4. Long Lines seeks to relinquish its ETC status in the rural service areas as set forth in attached Exhibits B and C. Each of these areas is currently served by a rural incumbent local exchange carrier that has been designated as an ETC. The Commission notes that the service areas listed on Exhibit C are areas that required redefinition. The Commission granted redefinition in its order granting ETC designation to Long Lines. See Docket TC06-184. The Commission then petitioned the FCC for concurrence in the redefinition pursuant to 47 C.F.R. § 54.207(c). The FCC did not allow the redefinition to go into effect but instead initiated a proceeding in 2008 to consider the redefinition.

5. Long Lines provided notice to the incumbent local exchange carriers of its petition for relinquishment. The Commission finds that Long Lines has provided the notice as required by ARSD 20:10:32:48(1).

6. The Commission finds that at least one other ETC serves each of the areas for which the relinquishment is requested as required by ARSD 20:10:32:48(2).

7. The Commission finds that the areas subject to this partial relinquishment are served and will continue to be served by an incumbent carrier, and each customer in that area 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 study areas. Thus, the Commission finds that the requirements of ARSD 20:10:32:48(3) and (4) have been met.

8. No one has contested the approval of Long Lines' partial relinquishment of its ETC designation as requested 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.

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. As set forth in ARSD 20:10:32:48, approval of an ETC's notice of relinquishment is subject to the following requirements:

20:10:32:48. Relinquishment of eligible telecommunications carrier status. A telecommunications company may relinquish its eligible telecommunications carrier designation and accompanying universal service obligations as provided for below:

(1) A telecommunications company seeking to relinquish its eligible telecommunications carrier designation shall file a petition with the commission specifying the service area for which it seeks to relinquish its designation and the identity of any other eligible telecommunications carrier serving the service area. At the time of filing, a copy of the petition shall also be provided to each local service provider serving the area for which the petitioner seeks to relinquish its eligible telecommunications carrier designation;

(2) The commission may permit a telecommunications company to relinquish its eligible telecommunications carrier designation if at least one other eligible telecommunications carrier serves the area for which the relinquishment is sought;

(3) The petitioning telecommunications company shall continue to meet its eligible telecommunications carrier obligations for the entire area for which it seeks to relinquish those obligations until the date specified in the commission's order approving the relinquishment; and

(4) Prior to permitting a telecommunications company designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the commission shall ensure that each customer served by the relinquishing carrier continues to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The commission shall establish a time, not to exceed one year after the commission approves such relinquishment, within which such purchase or construction shall be completed.

3. The Commission finds that the requirements found in 47 U.S.C. § 214(e)(4), 47 C.F.R § 54.205(a)-(b), and ARSD 20:10:32:48 have been met.

4. No further action is required of Long Lines or the Commission prior to the partial relinquishment being approved.

5. The Commission grants Long Lines' petition for partial relinquishment for the areas as set forth in attached Exhibits A, B, and C.

It is therefore

ORDERED, that Long Lines petition for partial of relinquishment of its designation as an ETC is approved for the areas set forth in attached Exhibits A, B and C; and it is

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

FURTHER ORDERED, that Long Lines shall serve a copy of this Order on the Universal Service Administrative Company.

Dated at Pierre, South Dakota, this 31st day of October, 2011.

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.

By: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Exhibit A
Non-Rural Qwest Line Centers for which Long Lines Wireless Proposes to Relinquish ETC Status

Wireline Center	Incumbent Local Exchange Carrier
Arlington	Qwest
Belle Fourche	Qwest
Coman	Qwest
Deadwood	Qwest
Flandreau	Qwest
Hill City	Qwest
Lead	Qwest
Madison	Qwest
Rapid City	Qwest
Spearfish	Qwest
Sturgis	Qwest
Volga	Qwest
Whitewood	Qwest

Exhibit B
Rural Service areas for which Long Lines Wireless Proposes to Relinquish ETC Status

Wireline Center	Incumbent Local Exchange Carrier
Bridgewater	Bridgewater-Canistota Ind Telephone Co (1)
Canistota	Bridgewater-Canistota Ind Telephone Co (1)
Brookings	Brookings Municipal Utilities
West Jasper	Citizen Telecom Co (MN)
Centerville	Fort Randall Telephone Co
Tabor	Fort Randall Telephone Co
Tyndall	Fort Randall Telephone Co
Viborg	Fort Randall Telephone Co
Brookings	Interstate Telecom Coop, Inc
Chester	Interstate Telecom Coop, Inc
Elkton	Interstate Telecom Coop, Inc
Nunda	Interstate Telecom Coop, Inc
Sinai	Interstate Telecom Coop, Inc
Wentworth	Interstate Telecom Coop, Inc
West Hendricks	Interstate Telecom Coop, Inc
White	Interstate Telecom Coop, Inc
Kadoka	Kadoka Telephone Company (1)
East Newcastle	RT Communications
Colton	Sioux Valley Telephone Co (1)
Dell Rapids	Sioux Valley Telephone Co (1)
Humboldt	Sioux Valley Telephone Co (1)
Hartford	Union Telephone Company (1)

(1) These individual incumbent local exchange carriers are part of the Golden West Telecommunications Cooperative which has ETC status.

Exhibit C
Rural Service areas for which Long Lines Wireless Proposes to Relinquish ETC
Status-Redefinition Approval Required by FCC

Wireline Center	Incumbent Local Exchange Carrier
Keystone	Fort Randall Telephone Co
Hermosa	Fort Randall Telephone Co
Wall	Golden West Telephone Coop
Quinn	Golden West Telephone Coop
Oral	Golden West Telephone Coop
Interior	Golden West Telephone Coop
Kyle	Golden West Telephone Coop
Creighton	Golden West Telephone Coop
Milesville	Golden West Telephone Coop
Hot Springs	Golden West Telephone Coop
Maurine	Golden West Telephone Coop
New Underwood	Golden West Telephone Coop
Wicksville	Golden West Telephone Coop
Buffalo Gap	Golden West Telephone Coop
Phillip	Golden West Telephone Coop
Pine Ridge	Golden West Telephone Coop
Enning	Golden West Telephone Coop
Wasta	Golden West Telephone Coop
Ardmore	Golden West Telephone Coop
Oelrichs	Golden West Telephone Coop
Edgemont	Golden West Telephone Coop
Salem	McCook Telephone Coop Co (2)
Spencer	McCook Telephone Coop Co (2)
Center	McCook Telephone Coop Co (2)
Winfred	McCook Telephone Coop Co (2)
Canova	McCook Telephone Coop Co (2)
Custer	Vivian Telephone Company (1)
Lesterville	Vivian Telephone Company (1)
Springfield	Vivian Telephone Company (1)
Marion	Vivian Telephone Company (1)
Avon	Vivian Telephone Company (1)
Scotland	Vivian Telephone Company (1)

(1) These individual incumbent local exchange carriers are part of the Golden West Telecommunications Cooperative which has ETC status.

(2) n/k/a TrioTel Communications