

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

**IN THE MATTER OF STUDY AREA
BOUNDARIES FOR INCUMBENT
LOCAL EXCHANGE CARRIERS**

**ORDER DELEGATING AUTHORITY
TO CERTIFY STUDY AREA
BOUNDARY CHANGES**

TC13-026

On November 6, 2012, the Federal Communications Commission's (FCC's) Wireline Competition Bureau (Bureau) released a *Report and Order*¹ that adopted data specifications for collecting study area boundary data that the FCC intends to use to implement certain universal service reforms that it adopted as part of its *USF/ICC Transformation Order*.² In its *Study Area Boundary Order*, the Bureau required incumbent local exchange carriers (ILECs) to submit certified study area boundary data. In the alternative, the data could be submitted by state commissions on behalf of the ILECs with the ILECs remaining responsible for reviewing and certifying the data.

On February 26, 2013, the Bureau released an *Order on Reconsideration*³ in which it modified the *Study Area Boundary Order* by finding that if a state commission submitted the data, the state commission would certify the accuracy of the data to the best of the state commission's knowledge, information, and belief. Each state commission would decide whether to submit the data and whether it would submit the data for all or some of the ILECs in its state.

On March 18, 2013, the Bureau announced the procedures and deadlines for submission of study area boundaries.⁴ The *Notice* stated that state commissions that plan on submitting the study area boundary data must file a notice of intent with the FCC by April 12, 2013. State commissions were required to submit and certify the data no later than June 28, 2013. If a state commission did not submit a notice of its intent to file the data, the ILECs were required to submit the data by May 23, 2013.

At its March 26, 2013, meeting, the Public Utilities Commission (Commission) considered how to proceed regarding the issue of whether the Commission should submit and certify the study area boundary data. The Commission heard comments from the South Dakota

¹ *Connect America Fund; High-Cost Universal Service Support*, WC Docket Nos. 10-90, 05-337, Report and Order, 27 FCC Rcd 13528, (Wireline Comp. Bur. 2012) (*Study Area Boundary Order*).

² See *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform—Mobility Fund*; WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order*), *pets. for review pending sub nom. In re: FCC 11-161*, No. 11-9900 (10th Cir. filed Dec. 8, 2011).

³ *Connect America Fund; High-Cost Universal Service Support*, WC Docket Nos. 10-90, 05-337, Order on Reconsideration, DA 13-282, (Wireline Comp. Bur. rel. Feb. 26, 2013) (*Study Area Boundary Order on Reconsideration*).

⁴ *Wireline Competition Bureau Announces Procedures and Deadlines for Submissions of Study Area Boundaries*, WC Docket Nos. 10-90, 05-337, Public Notice, DA 13-456 (Wireline Comp. Bur. rel. March 18, 2013) (*Notice*).

Telecommunications Association (SDTA) and CenturyLink. SDTA and CenturyLink both expressed a preference for the Commission to submit and certify the data. A discussion was also held on how to deal with study areas that cross state lines. The Commission unanimously voted to open a docket to consider these issues and set April 3, 2013, as the deadline for written comments. The Commission further found that it would make its decision at its April 9, 2013, meeting.

On April 3, 2013, SDTA and CenturyLink submitted written comments in which they again expressed their support for the Commission to submit and certify the data to the FCC. The Commission did not receive any comments from any ILEC opposing the certification of the data by the Commission.

At its April 9, 2013 meeting, the Commission unanimously voted to provide certification of study area boundary data to the FCC for all of the ILECs located in the state. The Commission stated it would provide a letter to the FCC stating its intent to provide certification by April 12, 2013. For ILECs that principally operate in South Dakota, the Commission determined it would certify not only their study areas within the state but also any study area that crosses into bordering states if the state commission in the bordering state is not certifying the accuracy of that particular study area boundary data to the FCC. The Commission further set May 17, 2013, as the deadline for the ILECs to submit their maps to the Commission.

The ILECs submitted their study area boundary data and Commission Staff worked with the ILECs to finalize the maps and resolve disputed areas and areas shown as unserved. On June 17, 2013, Staff submitted a memorandum in which Staff explained that it had worked with the ILECs to resolve over 2,200 gaps and overlaps. The end result had two unserved areas in which no customers are currently being served. Staff filed the maps along with its memorandum. The two unserved areas were shown in Appendix A. Appendix B contained the boundary map and exchange attributes. Staff also included a list of the CLLI codes for the exchanges. Staff noted that not all of the boundaries were attached to geographic features, which is the best way to ensure that the maps conform to a 1:24,000 scale as required by the FCC. Staff stated that it intended to continue to work on attaching the boundaries to the geographic features over the next several months and would update the maps when that work was completed.

At the June 18, 2013 meeting, Staff recommended that the Commission certify and submit the maps, but include a comment that the Commission intends to work with the ILECs to attach all of the boundaries to geographical features. No one objected to the maps as submitted by Staff. The Commission unanimously voted to certify the study area boundaries as set forth by Staff and submit them to the FCC.

On March 7, 2014, Staff filed a memorandum requesting the Commission delegate to staff the authority to certify the study area boundaries with the following exceptions:

- 1) The Commission will certify the study area boundaries biannually. Staff will file the most recent set of study area boundaries every other year; and

- 2) If any ILEC disputes Staff's authority in this matter, it may petition the Commission for relief.

At its regularly scheduled meeting on March 18, 2014, the Commission considered this matter. The Commission has jurisdiction over this matter pursuant to SDCL chapter 49-31. SDTA recommended the Commission grant Staff's request. The Commission unanimously voted to delegate to Staff the authority to certify study area boundary changes with the exceptions that the Commission will certify the study area boundaries biannually and if any ILEC disputes Staff's authority in this matter, it may petition the Commission for relief. It is therefore

ORDERED, that the Commission hereby delegates to Staff the authority to certify the study area boundaries with the exceptions as set forth above:

Dated at Pierre, South Dakota, this 19th day of March, 2014.

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: <u>[Signature]</u>
Date: <u>03.19.14</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

[Signature]
GARY HANSON, Chairman

[Signature]
CHRIS NELSON, Commissioner

[Signature]
KRISTIE FIEGEN, Commissioner