

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

IN THE MATTER OF THE)	ORDER CLARIFYING ELIGIBLE
CONSIDERATION OF ELIGIBLE)	TELECOMMUNICATIONS
TELECOMMUNICATIONS)	CARRIERS CERTIFICATION
CARRIER CERTIFICATION)	REQUIREMENTS
REQUIREMENTS)	
)	TC13-027

The Public Utilities Commission (Commission) annually provides certification to the Federal Communications Commission (FCC) that all federal high-cost support provided to eligible telecommunications carriers (ETCs) was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of activities and services for which the support is intended. In its *USF/ICC Transformation Order*, the FCC set forth new annual reporting requirements for recipients of federal high-cost support.¹ Some of these requirements are identical or similar to the Commission's ETC annual certification requirements. All recipients of high-cost support must comply with the FCC's annual reporting requirements by July 1st of each year. The Commission's ETC certification requirements are required to be filed by June 1st of each year.

At its March 26, 2013, meeting, the Commission opened a docket to consider whether to revise or waive any of its ETC requirements regarding certifications to the FCC. The Commission set April 16, 2013, as the deadline for written comments. On April 15, 2013, Midcontinent Communications filed written comments. On April 16, 2013, AT&T Corporation, South Dakota Telecommunications Association (SDTA), and Qwest Corporation dba CenturyLink QC (CenturyLink) filed written comments. The comments generally supported actions by the Commission to coordinate filing timelines and eliminate inconsistencies between state and federal requirements to minimize the burden of the reporting requirements.

At its April 23, 2013, meeting, the Commission unanimously voted to clarify certain requirements and waive other requirements pursuant to ARSD 20:10:32:56 (Order). First, the Commission waived the June 1st deadline as set forth in ARSD 20:10:32:52 and allowed ETCs to file their annual certification petitions on or before July 1st. With respect to ARSD 20:10:32:54(1), the Commission found that if an ETC is filing a five-year plan with the FCC and the Commission, that ETC is not required to file a two-year plan pursuant to the Commission's rule. All other ETCs must continue to file their two-year plans. With respect to ARSD 20:10:32:54(2), the Commission found that all ETCs are still required to file progress reports on their previously filed service quality improvement plans; however, the minor differences in this provision as compared to the FCC's similar progress report provision are waived. With respect to ARSD 20:10:32:54(4) and (5), the Commission waived the portions of those subdivisions that were not consistent with the federal requirements. With respect to ARSD 20:10:32:54(8) and (9), the Commission waived those requirements in their entirety. The Commission found that those requirements were either not necessary or were substantially covered by the FCC's annual reporting requirements. The Commission clarified that all ETCs were still required to file requests for certifications. An ETC may file its FCC annual report with its request for

¹ 47 C.F.R. § 54.313.

certification, specifically referencing those parts it intends to rely upon for each of the Commission's requirements.

On March 26, 2014, SDTA filed a letter seeking clarification to confirm that the previous Order remains in effect and is applicable to the 2014 state ETC certification process. The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31 and 47 U.S.C. § 254. At its April 15, 2014, meeting, the Commission unanimously voted to clarify that the terms of its previous Order are still in effect and are applicable to the 2014 state ETC certification process.

At its March 31, 2015, meeting, the Commission considered whether to find that the previous Order remains in effect and is applicable to the 2015 state ETC certification process. In addition, the Commission considered whether carriers should provide additional information in their progress reports and maps regarding the broadband speeds available to their customers. After discussion with SDTA and CenturyLink, the Commission decided to defer any action on the issue of whether carriers should provide additional information regarding broadband in order to allow carriers and the Commission to investigate this issue further. In addition, the Commission voted unanimously to clarify that the terms of its previous Order are still in effect and are applicable to the 2015 state ETC certification process.

It is therefore

ORDERED, that ETC certification requirements are still in effect and are applicable to the 2015 state ETC certification process.

Dated at Pierre, South Dakota, this 5th day of April, 2015.

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 or by mail.
By: <u>Rolayne West</u>
Date: <u>4-8-15</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner