

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

**IN THE MATTER OF THE PETITION BY THE)
DEPARTMENT OF PUBLIC SAFETY/9-1-1)
COORDINATION BOARD FOR DECLARATORY)
RULING DETERMINING COMPETITIVE LOCAL)
EXCHANGE CARRIER PROCESSES FOR)
REQUESTING 9-1-1 TRAFFIC DELIVERY FROM)
RURAL LOCAL EXCHANGE CARRIERS)**

**ORDER DENYING REQUEST
TO ADOPT PROPOSED
AMENDED ORDER**

TC18-013

On May 11, 2018, the South Dakota Public Utilities Commission (Commission) received a Petition for Declaratory Ruling from the South Dakota Department of Public Safety, 911 Coordination Board, to resolve the following issue: Does South Dakota law require bona fide requests as a prerequisite to determining if rural local exchange carrier (RLEC) exemptions do or do not apply when a competitive local exchange carrier (CLEC) is requesting delivery of 9-1-1 traffic from an RLEC, assuming voluntary agreements are not feasible?

On May 17, 2018, the Commission electronically transmitted notice of the filing and the intervention deadline June 1, 2018, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On May 31, 2018, the South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene in the docket. On June 1, 2018, NextGen Communications, Inc. (NextGen) filed a Petition to Intervene in the docket. On June 1, 2018, South Dakota Network, LLC filed comments. On June 11, 2018, Commission staff filed a letter in the docket requesting the Commission establish a procedural schedule. On June 14, 2018, the Board filed initial comments. On June 18, 2018, SDTA and Commission staff filed initial comments and NextGen filed initial comments and a Motion to Dismiss. On June 18, 2018, the Commission issued an Order Granting Intervention; Order Establishing Procedural Schedule. On June 22, 2018, SDTA and NextGen filed Reply Comments. On June 22, 2018, Commission staff filed Reply Comments and a Response to NextGen's Motion to Dismiss and the Board filed Reply Comments and Opposition to Motion to Dismiss. On June 28, 2018, the Commission issued an Order Denying Motion to Dismiss; Declaratory Ruling Regarding Competitive Local Exchange Carrier Processes for Requesting 9-1-1 Traffic Delivery from Rural Local Exchange Carriers (Order). On June 29, 2018, NextGen filed Objections to the June 28, 2018, Commission Order and requested the Commission adopt NextGen's proposed amended order. On July 12, 2018, Commission staff filed a letter regarding NextGen's request. On July 13, 2018, the Board filed a letter regarding NextGen's request and SDTA filed a Response to NextGen's Objections to the Order.

The Commission has jurisdiction in this matter pursuant to SDCL Chapter 1-26 and 49-31 and ARSD 20:10:01:34, 20:10:01:35 and 20:10:32.

At its regularly scheduled meeting on July 26, 2018, the Commission considered this matter. Having reviewed the filed documents and the arguments of the parties, the Commission voted unanimously to deny NextGen's request to adopt the proposed amended order. It is therefore

ORDERED, that NextGen's request to adopt the proposed amended order is hereby denied.

Dated at Pierre, South Dakota, this 1st day of August 2018.

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>Adam de Hueck</u>
Date:	<u>8/1/18</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Kristie Eiegen
KRISTIE EIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner